

JOURNAL
OF THE
House of Representatives
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1981

**HELD IN THE CITY OF MONTGOMERY,
COMMENCING TUESDAY, FEBRUARY 3, 1981**



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JOURNAL
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HOUSE OF REPRESENTATIVES
OF THE
STATE OF ALABAMA
REGULAR SESSION
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EIGHTEENTH DAY

Montgomery, Alabama
State Capitol of Alabama
Wednesday, April 8, 1981

JOURNAL

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend H. B. Seymour, Pastor, Vaughn Road Church of God, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the seventeenth legislative day and finds the same to be correct.

JACK BIDDLE, III,
Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the seventeenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the seventeenth legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Manley, leave of absence was granted for Rep. Hines, due to illness.

RESOLUTION

The following resolution was introduced:

By Rep. Manley:

H. R. 224.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn today, Wednesday, April 8, 1981, we adjourn to meet again on Tuesday, April 14, 1981, at 1:00 P. M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 224, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 102. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Veterinary Medical Examiners as provided in Sections 34-29-1 through 34-29-46 of the Code of Alabama 1975, with certain modifications to amend Sections 34-29-20, 34-29-23 of the Code of Alabama 1975, so as to: limit board members to two terms; and to provide further for the compensation of board members.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 549. To provide for the rate of interest on overdue or overpaid taxes administered by the state department of revenue; and to provide that the percentage of such tax in excess of the present rate of interest assessed by the said department shall be deposited in the general fund of the state treasury.

Also:

H. 438. To authorize the Dale County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Also:

H. 573. Relating to Etowah County; to provide that the county commission must approve any concerts or events for which a license tax is charged pursuant to section 40-12-82 of the Code of Alabama 1975 before such license is issued.

Also:

H. 641. Relating to Henry County; providing further for the salary of the county superintendent of education and providing for an effective date.

Also:

H. 642. Relating to Henry County; providing further for the expense allowance of the members of the county board of education.

Also:

H. 643. Relating to Henry County; providing for an expense allowance for the county superintendent of education; repealing Act No. 1169, H. 1854, Regular Session 1971 (Acts 1971, p. 2026); and providing for its retroactive effect.

Also:

H. 745. Relating to Fayette County; providing for the compensation and expense allowance of the members of the county commission; and providing that a part of this act shall be retroactive to October 1, 1977.

And finds same correctly enrolled.

JACK BIDDLE, III.
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 463 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 463, from the Standing Committee on Ways and Means to the Standing Committee on State Administration.

MOTION TO SUSPEND RULES

Rep. McKee offered the motion to suspend the rules in order to take up out of order the bill, H. 652.

SUBSTITUTE MOTION TABLED

On motion of Rep. Wyatt, the substitute motion offered by Rep. Gafford to suspend the rules in order to take up out of order the bill, H. 287, was tabled.

Yeas 55; Nays 4.

Yeas:

Reps. Adams (C), Albright, Barton, Bennett, Blake, Boles, Bowling, Brakefield, Carter, Cates, Cheatwood, Clark (W), Cobb, Dixon, Edwards, Ford, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, McKee, McMillan, Manley, Mitchell, Naramore, Owens, Parker, Patton, Penry, Rains, Ray, Riddick, Sasser, Seibels, Shoemaker, Smith (C), Starkey, Stout, Turner, Venable, Waggoner, Warren, Whatley, Williams, Willis and Wyatt.

—55

Nays: Reps. Cosby, Gafford, Minus and Moore.

—4

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. McKee to suspend the rules in order to take up out of order the bill, H. 652, and the motion was lost, lacking a four-fifths vote.

Yeas 36; Nays 28.

Yeas:

Reps. Barton, Bennett, Blake, Boles, Bowling, Brakefield, Carter, Cates, Cheatwood, Clark (W), Cobb, Dixon, Edwards, Ford, Goodwin, Greer, Grouby, Harper (O), Harvey, Holley, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Mitchell, Naramore, Rains, Sasser, Smith (C), Stout, Trammell, Turner, Venable, Warren and Wyatt.

—36

Nays:

Mr. Speaker, Adams (C), Bedsole, Biddle, Cabaniss, Campbell, Carothers, Clark (G), Cosby, Gafford, Hammett, McMillan, Manley, Minus, Olive, Owens, Patton, Pegues, Penry, Ray, Riddick, Seibels, Shoemaker, Starkey, Waggoner, Ward, Whatley and Willis.

—28

BILLS ON THIRD READING

And the bill:

H. 798. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Albright, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Cabaniss, Carter, Clark (G), Cobb, Cosby, Edwards, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Harvey, Johnson (R. G.), Langford, Manley, Minus, Moore, Naramore, Owens, Pegues, Rains, Ray, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stout, Venable, Waggoner, Ward, Warren, Whatley, Willis and Wyatt.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 799. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Cabaniss, Carter, Cheatwood, Clark (G), Cobb, Cosby, Crow, Edwards, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Holley, Johnson (R. G.), Kelley, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Williams, Willis and Wyatt.

—60

And the bill:

H. 809. To authorize the city of Tuscumbia to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within said city, or any accumulation of trash, rubbish, junk or debris, or any unsightly or dangerous walls, or any abandoned construction of

any kind or nature, or motor vehicles or machinery not in operating condition, or any debris of a burned building, or any abandoned or unused swimming pool, or any abandoned wells or cisterns, to be a public nuisance and creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Cabaniss, Campbell, Carter, Cheatwood, Clark (G), Cobb, Coburn, Cosby, Crow, Dial, Edwards, Gafford, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Johnson (R. G.), Kelley, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Pegues, Penry, Rains, Ray, Seibels, Shoemakers, Stewart, Stout, Trammell, Ward, Whatley, Williams, Willis and Wyatt.

—54

And the bill:

H. 812. Relating to Dallas County; to provide that the Probate Judge shall not receive for record, or permit the recording of, any instrument, conveying title to, or any interest in, real property that does not have legibly printed, typewritten or stamped thereon the Grantee's name and latest complete address.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bennett, Biddle, Blake, Brakefield, Cabaniss, Campbell, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Crow, Dial, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Holley, Johnson (R. G.), Kelley, Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Ray, Sasser, Seibels, Shavers, Shoemaker, Starkey, Stewart, Stout, Trammell, Venable, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—60

And the bill:

H. 845. Applicable to the City of Russellville, Franklin County, Alabama, to provide an expense allowance to the Mayor and to each member of the city governing body of said city.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

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Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Dial, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Holley, Horn, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Ray, Sasser, Seibels, Shavers, Shoemaker, Starkey, Stewart, Stout, Trammell, Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—59

And the bill:

H. 848. To provide for a supplemental salary payable out of the Baldwin County General Fund, the annual sum of Six Thousand Dollars (\$6000.00) per year to all circuit judges and Fifty Four Hundred Dollars (\$5400.00) per year for all district judges, serving within the 28th Judicial Circuit of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Crow, Dial, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Holley, Horn, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Penry, Ray, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Venable, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—62

And the bill:

H. 860. Relating to Colbert County; providing that it shall be unlawful for anyone to willfully throw or cast headlights or any rays of artificial light from any motor vehicle in any field, woodland or forest in an attempt to locate deer or any other wildlife with the exception of farmers who may do so while checking livestock on owned, leased or rented land; and providing for penalties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Blake, Brakefield, Campbell, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Dial, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Holley, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, McKee, McMillan,

Manley, Minus, Mitchell, Naramore, Olive, Owens, Parker, Pegues, Penry, Ray, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Starkey, Stewart, Stout, Venable, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—63

And the bill:

S. 463. Relating to Shelby County; To authorize the Board of Health of said County to fix a schedule of fees for services rendered pursuant to the duties with which the Board is charged and to provide for the approval of such fee schedule by the County Commission of Shelby County, Alabama.

Was read third time at length and passed.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Horn, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, McKee, McMillan, Manley, Mitchell, Moore, Naramore, Olive, Owens, Parker, Pegues, Penry, Ray, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Starkey, Stout, Trammell, Venable, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—63

And the bill:

H. 209. Relating to Jefferson County; defining, regulating the profession and licensing of barbers and barber colleges; establishing a barbering commission; defining the powers and duties of said commission; prescribing the functions of the county commission, the treasurer and the judge of probate relating to the barber commission; and providing penalties for violations.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Carter, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, McMillan, Manley, Mitchell, Moore, Naramore, Olive, Owens, Parker, Pegues, Penry, Ray, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Trammell, Venable, Williams, Willis and Wyatt.

—64

And the bill:

H. 628. (With Amendment): To establish a Sheriff's filing fee on all civil and criminal cases filed in Mobile County, Alabama, and to provide for the collection and disbursement of said fee.

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Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend H. B. 628 on Page 1, Section 3, line 27 by striking through the word "court" and inserting in lieu thereof the word "Sheriff."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bennett, Biddle, Blake, Brakefield, Buskey, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Grouby, Hall, Harper (O), Horn, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, McMillan, Manley, Mitchell, Moore, Naramore, Olive, Owens, Parker, Pegues, Penry, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stewart, Stout, Trammell, Venable, Waggoner, Whatley, Williams, Willis, Wyatt and Zoghby.

—60

And the bill, H. 628 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Biddle, Blake, Brakefield, Buskey, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Crow, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Johnson (R. G.), Kelley, Kennedy, Laird, Langford, McMillan, Manley, Mitchell, Moore, Naramore, Olive, Parker, Pegues, Ray, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Stewart, Stout, Trammell, Venable, Waggoner, Whatley, Willis, Wyatt and Zoghby.

—58

And the bill:

H. 627. (With Amendment): To provide for fees, to set fees, to establish the method of collection, and to provide for the disbursement of fees for the Sheriff of Mobile County, Alabama.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend H. B. 627 on Page 4, Sections 3, 4, and 5 by striking out Sections 3, 4, and 5 in their entirety and inserting in lieu thereof the following:

Section 3. The aforementioned Sheriff's fees in civil cases shall be collected by the Sheriff at the time of filing in court and paid into the General Fund of Mobile County consistent with §36-22-17, Code of Alabama 1975, and shall be in addition to any other fees presently collected.

Section 4. The aforementioned Sheriff's fees in criminal cases shall be paid by the defendant and shall be collected by the Sheriff and paid into the General Fund of Mobile County consistent with §36-22-17, Code of Alabama 1975.

Section 5. The aforementioned Sheriff's fees for executing body writs for mental patients shall be assessed against the petitioner and shall be collected by the Sheriff and paid into the General Fund of Mobile County.

And the amendment was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Crow, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Johnson (R. G.), Kelley, Kennedy, Laird, Langford, McMillan, Manley, Mitchell, Moore, Naramore, Olive, Owens, Parker, Pegues, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Starkey, Stewart, Trammell, Waggoner, Whatley, Willis, Wyatt and Zoghby.

—59

And the bill, H. 627 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Biddle, Blake, Brakefield, Buskey, Carter, Cates, Clark (G), Clark (W), Cobb, Cosby, Crow, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Manley, Mitchell, Moore, Naramore, Olive, Owens, Parker, Pegues, Ray, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Starkey, Stewart, Trammell, Ward, Whatley, Williams, Wyatt and Zoghby.

—55

H. 825 POSTPONED

On motion of Rep. Sandusky, the bill, H. 825 with pending amendment reported by the Standing Committee on Local Legislation No. 3, was postponed to the nineteenth legislative day.

And the bill:

H. 840. To amend Section 8 of Act 2431, H. 2569, 1971 Regular Session (Acts of 1971, p. 3880), as amended, by Act 97, H. 433, 1973 Regular Session (Acts of 1973, p. 123).

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Buskey, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Crow, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Hall, Hammett, Harper (O), Johnson (R. G.), Kelley, Kennedy, Langford, McMillan, Manley, Moore, Naramore, Olive, Owens, Pegues, Ray, Roberts, Sandusky, Starkey, Stewart, Trammell, Venable, Waggoner, Willis, Wyatt and Zoghby.

—48

Nay: Rep. Parker.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BILLS ON SECOND READING

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 436. (With Substitute): To amend Section 25-4-12 relating to the Alabama Unemployment Compensation Act by limiting expenditures from the "Special Employment Security Administration Fund" to \$50,000.00 in any fiscal year; and by requiring that all interest and penalty funds in the clearing account in excess of the amount being transferred to the "Special Employment Security Administration Fund" be transferred to the Unemployment Compensation Trust Fund; and by requiring that any balance in the "Special Employment Security Administration Fund" on June 30, 1981, in excess of \$50,000.00 shall be transferred promptly to the Unemployment Compensation Trust Fund.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 769. To provide for and authorize the incorporation and organization of a public corporation in the state to be named the Alabama synfuels development authority for the purpose of furthering the development of synthetic fuels; to designate the officers and members of the board of directors of the authority; to define and describe the duties and obligations of the authority; to prescribe the powers of the authority; and to provide for the dissolution of the authority.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 841. (With Amendment): To require electrical utility companies to charge the same type and category customer the same rate regardless if said customer lives in a municipality or in an unincorporated area.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were read severally read a second time and placed on the Calendar, to-wit:

H. 754. To provide further for the election of the directors of any waterworks board incorporated under Title 11, Chapter 50, Article 8, Code of Alabama 1975, which serves four or more counties.

H. 833. To repeal Sections 22-21-290 through 22-21-297 of the Code of Alabama 1975 otherwise known as "The Alabama Health Care Responsibility Act."

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 108. (With Amendment): To require the chief administrative official of each hospital to report to the Alabama State Board of Medical Examiners any disciplinary action taken concerning any physician when such action is related to professional ethics, medical incompetence, moral turpitude, or drug or alcohol abuse; to define disciplinary action; to require the report to be in writing and made within sixty (60) days of the date of the action; to require any professional society of physicians which takes formal disciplinary action against a member to report such action to the Alabama State Board of Medical Examiners when the action taken is related to professional ethics, medical incompetence, moral turpitude or drug or alcohol abuse; to require the report to be in writing and made within sixty (60) days of the action; to provide that any report made pursuant to this act shall be privileged from discovery; and to provide that the individual making the report shall be immune from liability.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 159. (With Amendments): To provide for the regulation of the practice of occupational therapy; to provide for the establishment of the Alabama State Board of Occupational Therapy, its terms of office, vacancies, and removal of members, and their powers, duties and compensation; to provide requirements for licenses to practice occupational therapy; to prescribe qualifications of applicants, examination as a requirement for licensure, waiver of requirements, and persons and practices not affected by this Act; to provide for issuance of a license and cause for suspension, revocation and renewal of license; to provide for fees; to provide penalties for violations of this Act; and to provide for appeal or review.

Rep. Whatley, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 863. To amend Section 7 of Act No. 80-586 (Acts of 1980, p. 913; now appearing in the 1980 Cumulative Supplement to the 1975 Code of Alabama as Section 2-3A-7), enacted at the 1980 Regular Session of the Legislature of Alabama providing for the incorporation of the Alabama Agricultural Development Authority to authorize the Authority to invest its funds in additional kinds of investments.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 857. Relating to Limestone County; providing additional expense allowances for specified officers of Limestone County; providing for the discontinuance of those allowances upon a specified event; providing additional salary compensation for specified officers of Limestone County; and providing that the payment of such compensation shall begin upon a specified event.

H. 864. Relating to Choctaw County; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer in said county.

H. 865. Relating to Choctaw County, authorizing the county governing body to provide for salaries of clerical and secretarial employees which may be hired from time to time to staff the offices of the tax assessor and tax collector.

H. 866. Relating to Choctaw County; amending the title and Sections 1, 2, and 4 of Act No. 2312, S. 1053, 1971 Regular Session (Acts 1971, p. 3734), and Act No. 80-295, H. 796, 1980 Regular Session (Acts 1980, p. 409-410), relating to the appointment of the county superintendent of education, so as to provide for the election and further for the qualifications and compensation of such officer.

H. 869. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Billingsley in Autauga County.

H. 875. Relating to Wilcox County; to amend Section 1 of Act No. 1447, S. 962, of the Regular Session of 1971 (Acts 1971, p. 2471), relating to the compensation of the board of registrars, so as to provide further for such compensation for the period of time from January 1, 1977, through September 30, 1980; and to provide for retroactive effect for such period of time.

H. 886. Relating to Washington County; to amend Act No. 80-274, H. 730, 1980 Regular Session of the Alabama Legislature (Acts of 1980, p. 362), which prohibited the hunting of unantlered deer, so as to grant the Department of Conservation and Natural Resources the power to permit the hunting of unantlered deer within designated areas where in the opinion of the Commissioner of Conservation it is necessary for game management purposes.

RESOLUTION

The following resolution was introduced:

By Rep. Minus:

H. J. R. 225. COMMENDING MR. J. MORELAND NIXON, JR., OF LIVINGSTON, ALABAMA, FOR OUTSTANDING MUNICIPAL SERVICE.

WHEREAS, in dedicated and responsible service, Mr. J. Moreland Nixon, Jr., has been employed with the City of Livingston in Sumter County, Alabama, since 1967, first serving as water plant operator, sewer and maintenance director under former Mayor Moore and later appointed Superintendent of Public Works by Mayor Drayton Pruitt; and

WHEREAS, Mr. Nixon's tenure which has now been under three Mayors, and as many city managers, has provided Livingston with a continuity of excellent service that few Alabama municipalities enjoy; and

WHEREAS, in addition to his duties as supervisor of the water, sewer and gas departments, he also is fiscal officer of all operations with responsibility, last year, for a budget of some \$700,000; and

WHEREAS, although Mr. Nixon's staff has expanded from two assistants in 1967 to nine employees today, he remains, as always, on call 24 hours a day, seven days a week; and

WHEREAS, not only is Mr. Nixon responsible for 1,055 water, 443 gas and 719 sewer customers in Livingston, but also for the water quality and supply for an even larger number of customers throughout Eastern Sumter County; and

WHEREAS, Mr. Nixon has long been considered by many city officials as one of Livingston's most valuable employees, an opinion shared by customers who have benefitted through the years from his loyal, devoted and conscientious service in their behalf; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Mr. J. Moreland Nixon, Jr., for outstanding achievement in long tenure of service with the City of Livingston, Alabama.

BE IT FURTHER RESOLVED, That Mr. Nixon receive a copy of this resolution that he and his family may be aware of this body's deep admiration and esteem.

On motion of Rep. Minus, the rules were suspended and the resolution, H. J. R. 225, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Carter and Whatley:

H. 893. To authorize and provide for the promotion of the production, marketing, use and sale of cotton and cotton products by research, education, advertising and other methods; to prescribe a method whereby cotton producers may act jointly with handlers, buyers, processors, the state board of agriculture and industries, and others, for a promotional program; to provide that producers may by referendum levy upon themselves assessments for financing a promotional program and for the collection, disbursements and expenditures of funds collected from assessments; to provide for the regulations, requirements and authority relative thereto; to provide for refund of assessments; to prescribe duties of the commissioner of agriculture and industries and the state board of agriculture and industries with respect to a promotional program for the cotton producers of Alabama; to provide for the administration thereof by a commission, council, board or other agency or a nonprofit association which is fairly and substantially representative of the producers of cotton throughout the state; to provide for collection and distribution of assessments by dealers, handlers and buyers of cotton; to require an annual permit of such dealers, processors and other buyers; and to prescribe other administrative, enforcement, promotional and penalty provisions.

Agriculture and Forestry.

By Rep. Harvey (With Notice and Proof):

H. 894. Relating to Blount County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the compensation of such official, and repealing conflicting laws.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 894, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK.

By Reps. McMillan, Sandusky, Harper (T), Daniels, Campbell, Gregg, Smith (C), Barton, Johnson (Roy), Parker, Clark (W) and Penry:

H. 895. To impose certain court costs and seizure fees; to provide for their distribution to certain police academies; to provide for the acceptance of grants and to provide for cooperation between certain agencies.

Ways and Means.

By Rep. Daniels (With Notice and Proof):

H. 896. Relating to Geneva County; providing further for the compensation of the coroner and repealing Act No. 56, H. 96, 1959 Regular Session (Acts 1959, p. 223).

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 896, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK.

By Rep. Daniels (With Notice and Proof):

H. 897. Relating to Geneva County; amending Act No. 75, H. 44, 1967 Regular Session, (Acts 1967, p. 107), so as to increase the fee for issuance of pistol permits.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 897, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK.

By Rep. Manley:

H. 898. To prescribe that all public school systems shall allow official recruiting representatives of the armed or military forces of the United States or of the state reasonable access to their facilities and students for the purpose of presenting recruiting programs, administering tests, and generally informing students on occupational and educational options.

Judiciary.

By Rep. Smith (C) (With Notice and Proof):

H. 899. Relating to Chilton County; to provide for and require the reidentification of registered voters; to provide a penalty for wilfully making a false statement in connection with reidentification; and to repeal Act No. 126, Special Session 1962, and all other laws or parts of laws in conflict herewith.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 899, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK.

By Rep. Cobb (With Notice and Proof):

H. 900. To provide for the composition of the Marion County Commission relating to the redivision of the representation districts for Marion County; to employ a county engineer and to provide for a road unit system; and to provide a referendum election on the provisions of this Act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 900, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK.

By Reps. Penry and McMillan (With Notice and Proof):

H. 901. Relating to Baldwin County; directing and requiring Baldwin County Commission to provide for the holding of an advisory election relative to the levying of an additional sales tax to be distributed to the County Board of Education of the said County and used for certain specified public school purposes.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 901, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Callahan:

S. J. R. 121. CREATING A JOINT INTERIM COMMITTEE TO INVESTIGATE THE FEASIBILITY OF CREATING A PERPETUAL INTEREST FUND FOR THE WINDFALL STATE OIL LEASE REVENUES.

WHEREAS, the State of Alabama finds a unique opportunity in the large windfall accruing to the state from its recent oil leases; and

WHEREAS, no legislature in the history of Alabama has had the opportunity to address the critical capital needs of the state without imposing burdensome taxes upon the people; and

WHEREAS, it is possible to place the revenues of the oil leases in a perpetual interest fund and to reserve the interest from this money to meet the needs of the state; and

WHEREAS, it is the responsibility of this legislature to carefully and wisely weigh the alternatives of expending these oil lease revenues today before establishing a perpetual legacy that year-by-year could be used to build and renovate state facilities; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint interim legislative committee be established, consisting of seven (7) members of the Senate and seven (7) members of the House, appointed by presiding officer in each house to investigate the feasibility of establishing a perpetual interest fund and to report back to the legislature no later than April 28, 1981.

BE IT FURTHER RESOLVED That this interim committee meet with the leaders of state agencies responsible for mental health, prisons, education, spokesmen of these fields and representatives of banks, and other financial institutions to determine the best possible method of funding these agencies' needs and that the legislature not formulate plans that could seriously impact these funds prior to this committee's report.

BE IT FURTHER RESOLVED That due to the brief time available for this committee that the interested public be asked to immediately contact members of this committee with their views.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 121, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Smith:

S. J. R. 119. CONGRATULATING THE UNIVERSITY OF ALABAMA AT HUNTSVILLE, NAIA BASKETBALL FINALISTS.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 119, the title of which is set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Higginbotham:

S. J. R. 125. EXPRESSING CONCERN FOR THE CITIZENS OF HURTSBORO, ALABAMA.

WHEREAS, in the early pre-dawn hours of April 1, 1981, the Town of Hurtsboro in Russell County, Alabama, was the target of a tornado's unleashed fury which caused severe damage or totally destroyed some two-thirds of the business and residential areas in this small community in East Central Alabama; and

WHEREAS, of greater and more grievous sorrow, however, were the deaths of at least two persons and 23 or more who were injured during the storm; and

WHEREAS, during this time of misfortune and disaster for the citizens of Hurtsboro, our hearts go out to those who grieve the loss of or injury to family and friends, and to the scores who were left homeless by the storm; and

WHEREAS, even as we express our sincere care and concern, we also stand in tribute of the courage and determination displayed by the people of Hurtsboro who are united in their resolve to restore order, care for their own and to rebuild their homes; and

WHEREAS, in the wake of devastation caused by the killer tornado, Governor Fob James has declared Hurtsboro a disaster area, and has asked that the federal government follow suit in order that the citizens of Hurtsboro might be eligible for aid in restoring their lives and their homes; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express our deepest sympathy to the town and the citizens of Hurtsboro, Alabama, and urge that our federal government join with Governor James in extending aid to the people of this stricken area.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mayor John C. Williams of Hurtsboro, Alabama, in expression of our regret, and in pledge of our support in every possible way.

RESOLVED FURTHER, That copies of this resolution also be sent to each member of the Alabama Congressional Delegation in Washington, D. C.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Whatley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 125, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Martin:

S. J. R. 124. COMMENDING MISS PAMELA LEAH LOVE, ALABAMA'S 1981 MAID OF COTTON.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Patton, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 124, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. White and Goodwin:

S. J. R. 126. SUPPORTING A NATIONAL STRATEGY OF PEACE THROUGH STRENGTH FOR THE UNITED STATES.

WHEREAS, the Soviet Union has exploited U. S. peace initiatives to build up its strategic and conventional warfare capabilities; and

WHEREAS, this has given the Soviet Union the means to support increasingly bolder worldwide aggression; and

WHEREAS, there is basis for concern that the Soviets may next use these forces in Pakistan, Iran, and Yugoslavia; and

WHEREAS, the Soviet Union has demonstrated an unwillingness to live by international law; and

WHEREAS, the United States is the one world power that can stop Soviet expansionism; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we support adoption by the United States of a National Strategy of Peace Through Strength, the general principles of which would be:

(1) To inspire, focus and unite the national will and determination to achieve this goal of peace and freedom;

(2) To achieve overall military and technological superiority over the Soviet Union;

(3) To create a strategic defense and a civil defense which would protect U. S. citizens against nuclear war at least as well as the Soviets defend their citizens;

(4) To accept no arms control agreement which in any way jeopardizes the security of the United States or its allies, or locks the U. S. into a position of military inferiority;

(5) To reestablish effective security and intelligence capabilities;

(6) To pursue positive non-military means to roll back the growth of Communism;

(7) To help our allies and other non-Communist countries defend themselves against Communist aggressions; and

(8) To maintain a strong economy and protect our overseas sources of energy and other vital raw materials.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to John M. Fisher, Administrative Chairman, Coalition for Peace Through Strength, Boston, Virginia 22713.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 126, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Taylor:

S. 259. To amend Section 22-18-2 of the Code of Alabama 1975 so as to exempt businesses or companies that provide free ambulance service to their employees from certain requirements in the operation of ambulances.

Also:

By Mr. Little:

S. 185. To amend Section 26-14-1, Code of Alabama 1975, relating to the reporting of abuse or neglect of children, so as to explicitly add the terms "sexual exploitation" or "attempted sexual exploitation" to the definition of child abuse and to explicitly define the terms "sexual abuse" and "sexual exploitation."

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 259. Ways and Means.

S. 185. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Martin:

S. 180. To authorize and make provision for any county or any department, board, bureau, commission or agency of any county, whether incorporated or not, or any county public corporation incorporated with the approval of, or more than one of the directors of which are elected or appointed by the governing body of any county, to apply for, accept and receive, expend or apply the proceeds of, to agree to comply with the conditions of, or to loan, advance or donate to another public body, or to any person, firm or corporation, any gift, grant, appropriation, donation or advance, by or from the United States of America, the State of Alabama or any other public or

private donor; to empower and authorize each county and each such county public corporation to anticipate the receipt of the proceeds of any such grant, gift, appropriation, donation or advance, by loan or assignment, and as evidence of such loan or assignment to issue its bonds, warrants, notes or certificates of indebtedness, which may be either general obligations or special or limited obligations; to provide for the source of payment and security for such obligations; to provide that such obligations shall be legal investments for public bodies, bankers, insurers and fiduciaries and others; to exempt such obligations from taxation; to provide that an issuer of securities shall be free from state supervision and control and from the provisions of Chapter 8, Title 11, CODE OF ALABAMA 1975; and to authorize counties and such county public corporations to pledge and grant security interests in the proceeds of gifts, grants, appropriations, donations or advances, as security for bonds, warrants, notes, or certificates of indebtedness issued by such county or such county public corporation under authority of laws other than this act.

Also:

By Mr. Martin:

S. 181. To authorize and make provision for any municipality or any department, board, bureau, commission or agency of any municipality, whether incorporated or not, or any municipal public corporation incorporated with the approval of, or more than one of the directors of which are elected or appointed by the governing body of any municipality, to apply for, accept and receive, expend or apply the proceeds of, to agree to comply with the conditions of, or to loan, advance or donate to, another public body, or to any person, firm or corporation, any gift, grant, appropriation, donation or advance, by or from the United States of America, the State of Alabama or any other public or private donor; to empower and authorize each municipality, and each such municipal public corporation to anticipate the receipt of the proceeds of any such grant, gift, appropriation, donation or advance, by loan or assignment, and as evidence of such loan or assignment to issue its bonds, warrants, notes or certificates of indebtedness, which may be either general obligations or special or limited obligations; to provide for the source of payment and security for such obligations; to provide that such obligations shall be legal investments for public bodies, bankers, insurers and fiduciaries and others; to exempt such obligations from taxation; and to authorize municipalities and such municipal public corporations to pledge and grant security interests in the proceeds of gifts, grants, appropriations, donations or advances, as security for bonds, warrants, notes, or certificates of indebtedness issued by such municipality, such agency or such municipal public corporation under authority of laws other than this act.

Also:

By Mr. Miller:

S. 91. To repeal Section 12-18-89, Code of Alabama 1975, which prohibits retired probate judges from practicing law.

Also:

By Mr. Bailey:

S. 276. To amend Sections 27-8-1 through 27-8-8, 27-8-11 through 27-8-17, 27-8-20 through 27-8-22, and 27-8-26 through 27-8-28, Code of Alabama 1975, which provide for the licensing of life and disability insurance agents, brokers and representatives, so as to provide further for said licensing; to require educational instruction for new representatives; to permit the licensing of partnerships and corporations; to establish a fee schedule for

licenses; to provide further for revocation on suspension of licenses and the procedure thereof; and to further provide for the issuance of temporary and non-resident licenses.

Also:

By Mr. Hall:

S. 266. To amend further section 16-13-52, Code of Alabama 1975, relating to apportioning the school minimum program fund, so as to provide that the number of teacher units to be allowed shall be based on average daily membership rather than average daily attendance and one teacher unit shall be allowed for each 29.6 pupils enrolled.

Also:

By Messrs. Hall and White:

S. 369. To provide that the receipt of veterans' benefits is not counted as income when determining eligibility for medicaid benefits as a patient in a nursing home.

Also:

By Mr. Bailey:

S. 236. To provide for a Life and Disability Insurance Guaranty Association so as to avoid financial loss to claimants or policyholders because of the insolvency of an insurer; to provide for definitions; to provide for a Board of Directors and powers and duties of the association; to provide for powers and duties of the Commissioner; to provide for certain tax exemptions and immunity; and to provide for termination procedures and distribution of funds.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 180. Local Government.
- S. 181. Local Government.
- S. 91. Judiciary.
- S. 276. Insurance.
- S. 266. Ways and Means.
- S. 369. Ways and Means.
- S. 236. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Miller:

S. 43. To provide that medical hospitals for humans, emergency rooms connected thereto, and nursing homes, submit itemized statements, upon request, to patients, of services rendered by said institutions and to provide penalties for failure to submit said statements.

Also:

By Mr. Britnell:

S. 362. To amend Section 33-15-6 of the Code of Alabama 1975, relating to the powers, duties and functions of the Bear Creek Development Authority, so as to authorize the hiring of park rangers to enforce certain rules and regulations including those of Section 33-15-7(c); to give conservation enforcement officers the same authority; and to give said rangers and officers the power and authority of deputy sheriffs over any property owned or under the jurisdiction of the Bear Creek Development Authority.

Also:

By Mr. McDonald:

S. 324. To authorize certain officials of the state's high schools, colleges, universities, and four-year institutions of higher learning to register eligible students to vote, subject to the approval of the local board of registrars, and to provide that the provisions hereof shall be supplemental to the existing state and local laws regarding voter registration.

Also:

By Messrs. Parsons, Robertson, Cook and Hall:

S. 389. To amend further Section 6-5-332, Code of Alabama 1975, relating to liability for civil damages as a result of rendering first aid or emergency care to certain injured persons, so as to include within the protective provisions of that section certain other persons rendering first aid or emergency care.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate were severally read one time and referred to appropriate Standing Committees as follows:

- S. 43. Health.
- S. 362. State Administration.
- S. 324. Constitution and Elections.
- S. 389. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Little (With Notice and Proof):

S. 547. Relating to Randolph County; providing for an additional allowance for election officials who work at polling places.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 547, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Weeks (With Notice and Proof):

S. 504. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Banks, in Pike County.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 504, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Vacca (With Notice and Proof):

S. 548. Relating to Jefferson County; to provide that the executive assistant to the Sheriff shall be entitled to any cost-of-living pay increases, merit raises and longevity pay in the same manner as other county employees; and to make this act retroactive to May 23, 1977.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 548, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 547. Local Legislation No. 1.

S. 504. Local Legislation No. 1.

S. 548. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Taylor (With Notice and Proof):

S. 483. To authorize the Wilcox County Commission to levy an additional privilege or license tax on persons, firms and corporations, selling,

distributing or delivering wine to retailers in Wilcox County; providing for the assessment, collection and distribution of the proceeds of the tax; authorizing the adoption and promulgation of rules and regulations therefor by the county commission of said county; defining violations of the act and prescribing penalties therefor.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 483, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Higginbotham (With Notice and Proof):

S. 506. To exempt the Chattahoochee Valley Hospital Society from the payment of all county and municipal sales and use taxes.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 506, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Messrs. Little and Higginbotham (With Notice and Proof):

S. 507. Relating to Chambers County; providing for an additional allowance for election officials who work at polling places.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 507, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Messrs. Little and Higginbotham (With Notice and Proof):

S. 508. Relating to Lee County; providing for an additional allowance for election officials who work at polling places.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 508, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 483. Local Legislation No. 1.

S. 506. Local Legislation No. 1.

S. 507. Local Legislation No. 1.

S. 508. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Callahan:

S. 495. To make it unlawful to fish in the Gulf of Mexico with any kind of net, except a hand thrown cast net, within one mile of the beaches or shore line of the State of Alabama that borders on the Gulf of Mexico; prescribing penalties.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 495. Natural Resources.

BILLS ON THIRD READING RESUMED

And the bill:

H. 545. To amend Section 9-17-26 of the Code of Alabama 1975, relating to oil and gas 2% production tax and the required dates for filing with the State Department of Revenue by reporting parties so as to change the required report filing date from the fifteenth day of the calendar month to the last day of the calendar month.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Albright, Barton, Biddle, Blake, Boles, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Dial, Drinkard, Edwards, Ford, Gafford, Greer, Grouby, Hall, Hammett, Harper (O), Howard, Johnson (R. G.), Kelley, Kennedy, Laird, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Pegues, Ray, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Stewart, Trammell, Turner, Venable, Waggoner, Ward, Whatley, Williams, Willis and Zoghby.

And the bill:

H. 546. To amend Section 40-20-5, of the Code of Alabama 1975, relating to oil and gas severance tax and the required dates for filing with the State Department of Revenue by reporting parties so as to change the required report filing date from the fifteenth day of the calendar month to the last day of the calendar month.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Biddle, Blake, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Holley, Johnson (R. G.), Kelley, Kennedy, Laird, McKee, McMillan, Moore, Naramore, Olive, Owens, Parker, Patton, Pegues, Rains, Ray, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Trammell, Turnham, Venable, Waggoner, Ward, Whatley, Williams, Willis and Zoghby.

—63

And the bill:

H. 448. (With Amendment): To make further appropriations of state funds for the fiscal year ending September 30, 1981.

Which was temporarily postponed on the seventeenth legislative day, with the following substitute offered by Rep. Owens, was taken up:

A BILL
TO BE ENTITLED
AN ACT

To make further appropriations of state funds for the fiscal year ending September 30, 1981.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore or hereafter made from the Marine Resources Fund, there is hereby appropriated from said fund for the fiscal year ending September 30, 1981, for the Department of Conservation and Natural Resources the sum of \$350,000 for construction, repair, and maintenance of capital improvements to public boat landing areas in the salt and brackish waters of Alabama.

Section 2. In addition to all other appropriations heretofore or hereafter made from the General Fund, there is hereby appropriated from said fund for the fiscal year ending September 30, 1981, for the Department of Conservation and Natural Resources, Outdoor Recreation Sites and Services Program (Marine Police Division), the sum of \$200,000 for salaries and other expenses of the Marine Police Division. The appropriation made by this section shall be only expended if the General Fund has sufficient funds available so that other appropriations would not be prorated, and if the Governor gives his approval for release of the funds.

Section 3. In addition to all other appropriations heretofore or hereafter made from the State Lands Fund, there is hereby appropriated from said

fund for the fiscal year ending September 30, 1981, for the Department of Conservation and Natural Resources, State Land Management Program the sum of \$125,000 for salaries and other expenses of the State Lands Division.

Section 4. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated for the fiscal year ending September 30, 1981 to the Department of Conservation and Natural Resources from any of its departmental funds such monies as are necessary to maintain, staff and repair the property in Baldwin County; Alabama, known and referred to as the Governor's Beach Mansion.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Rep. Owens to the bill, H. 448 with pending committee amendment, and the substitute was adopted.

Yeas 73; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Drinkard, Edwards, Ford, Gafford, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Kennedy, Laird, Lewis, McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Riddick, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—73

Nay: Rep. Howard.

—1

And the bill, H. 448 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 4.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bennett, Biddle, Blake, Boles, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Howard, Johnson (R. G.), Kennedy, Laird, Manley, Minus, Moore, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Riddick, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Stewart, Stout, Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley, Willis, Wyatt and Zoghby.

—69

Nays: Reps. Bowling, Brakefield, Gilmer and Naramore.

—4

And the bill:

H. 327. (With Substitute): To amend Act No. 80-477 which amended Section 2, Act 100, Second Special Session 1959 (Section 40-23-2, Code of Alabama 1975, as amended) to require that sales tax on automotive vehicles, truck trailers, semi-trailers, or house trailers required to be registered with the Judge of Probate or other licensing authority be paid to the Judge of Probate or other licensing authority at the time of registering and licensing the unit; and to require the Judge of Probate or other licensing authority to remit the tax collected to the Department of Revenue, and provides for the distribution of the tax collected.

Was taken up.

SUBSTITUTE OFFERED

Rep. Biddle offered the following substitute to the substitute reported by the Standing Committee on Ways and Means:

A BILL
TO BE ENTITLED
AN ACT

To provide for the levy of a sales tax on the sale of any automotive vehicle, truck trailer, semitrailer, or house trailer required to be registered or licensed with the judge of probate or other licensing authority of any county in this state and purchased other than at wholesale in this state from any person, firm, or corporation not a licensed dealer engaged in selling automotive vehicles, truck trailers, semitrailers, or house trailers within the state; to provide that the tax collector collect the tax from the purchaser before the registration or licensing of any such automotive vehicle, truck trailer, semitrailer, or house trailer; to provide for the levy of an excise or use tax in lieu of the excise tax levied by Section 40-23-61 (c), Code of Alabama, 1975, as amended on the storage, use, or other consumption in the state of any automotive vehicle, truck trailer, semitrailer, or house trailer required to be registered or licensed with the judge of probate or other licensing authority of any county in this state and purchased other than at wholesale outside the state on or after July 1, 1981 for storage, use or other consumption in this state; to require the tax collector to collect such tax from the purchaser before the registration or licensing of any such automotive vehicle, truck trailer, semitrailer, or house trailer in this state; to provide for the allowance of a fee on taxes collected to the tax collector; to provide for the distribution of the tax collected; to require the license commissioner to collect the tax in counties where such office has been established pursuant to a local law or general law of local application; and to provide for reciprocity.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. As used in this Act, unless the context otherwise requires, the term:

(a) "Judge of probate" means the judge of probate or other licensing authority in a county.

(b) "Tax collector" means the tax collector or other county official required by law to fulfill the duties of the tax collector in a county.

Section 2. There is hereby levied and shall be collected as herein provided a sales tax on the sale of any automotive vehicle, truck trailer, semitrailer, and house trailer required to be registered or licensed with the judge of probate of any county in this state and purchased other than at wholesale

in this state from any person, firm, or corporation which is not a licensed dealer engaged in selling automotive vehicles, truck trailers, semitrailers, or house trailers, as follows:

(a) Commencing on and after July 1, 1981, upon every person, firm, or corporation purchasing other than at wholesale within this state, any automotive vehicle, truck trailer, semitrailer or house trailer required to be registered or licensed with the judge of probate of any county in this state from any person, firm or corporation which is not a licensed dealer engaged in selling automotive vehicles, truck trailers, semitrailers or house trailers an amount equal to 1-1/2% of the purchase price

Section 3. There is hereby levied and shall be collected as herein provided in lieu of the excise tax levied by Section 40-23-61 (c), Code of Alabama, 1975, as amended, an excise or use tax on the storage, use, or other consumption in the state of any automotive vehicle, truck trailer, semitrailer or house trailer required to be registered or licensed with the judge of probate of any county in this state and purchased other than at wholesale outside the state on or after July 1, 1981 for storage, use, or other consumption in this state as follows:

(a) Commencing on and after July 1, 1981 upon every person, firm, or corporation purchasing other than at wholesale outside the state any automotive vehicle, truck trailer semitrailer or house trailer required to be registered or licensed with the judge of probate of any county in this state for use, storage, or other consumption within this state there is levied in lieu of the excise tax levied by Section 40-23-61 (c), Code of Alabama, 1975, as amended, a tax in an amount equal to 1-1/2% of the purchase price.

Section 4. Where any used automotive vehicle, truck trailer, semitrailer or house trailer is taken in trade or in a series of trades as a credit or part payment on the sale of a new or used automotive vehicle, truck trailer, semitrailer or house trailer, the tax levied in this act shall be paid on the net difference, that is, the price of the new or used vehicle or trailer sold less the credit for the used vehicle or trailer taken in trade.

Section 5. The tax levied by this act shall be collected by the tax collector before the registration of or licensing of any such automotive vehicle, truck trailer, semitrailer or house trailer by the judge of probate.

(a) The tax collector shall require, as proof of the purchase price of the vehicle or trailer, the presentment of a sworn report by the purchaser reflecting such purchase price on a form to be provided by the Department of Revenue accompanied by a properly executed bill of sale or other satisfactory evidence prescribed by the Department of Revenue.

(b) In lieu of the requirements contained in subsection (a) of this section, the purchaser may stipulate to the tax collector that the purchase price of the automotive vehicle, truck trailer, semitrailer or house trailer to be taxed is equivalent to a standard value for the year, make and model established by the Department of Revenue for the taxable item. The purchase price so stipulated shall be conclusively presumed to be the purchase price of such item for all purposes under this act.

(c) Before the registration of or licensing of any such automotive vehicle, truck trailer, semitrailer or house trailer, the judge of probate shall require proof of payment of the tax levied under this act as he deems to be necessary and proper.

Section 6. Except as herein otherwise provided, the tax herein levied shall be subject to all definitions, exceptions, exemptions, proceedings, requirements, rules, regulations, provisions, penalties, fines, punishments, deductions, and discounts in accordance with the provisions of Act No. 100 adopted at the Second Extraordinary Session of 1959 of the Legislature of Alabama, as amended.

Section 7. If a sales or use tax equal to or in excess of the amount of the tax imposed by this act is paid to another state under a requirement of its law, the automotive vehicle, truck trailer, semitrailer, or house trailer which is the subject of such tax when it is imported for use, storage, or consumption in this state shall not be subject to the use tax, imposed by this act. If the amount of such tax paid to another state is less than that imposed by this act, then the difference shall be paid. However, no credit shall be allowed for taxes paid on any automotive vehicles, truck trailers, semitrailers or house trailers in any other state which does not extend credit for taxes paid on similar property in Alabama. The tax collector shall require such proof of payment of tax in another state as he deems necessary and proper.

Section 8. For making the collection of taxes levied under authority of this act, the tax collector shall be entitled to a fee in an amount equal to 5% of the first \$100.00 of revenue collected and 2% of all revenue collected over \$100.00 under this act each month, such fee shall be for the use of the tax collector. The fee allowed herein shall be deducted from the tax collections each month and the remainder of such collections shall be remitted to the Department of Revenue; provided, however, such fee shall be disallowed unless such collections are remitted to the Department of Revenue within the time allowed by law. In all counties where the tax collector is paid on a salary instead of a fee basis all fees allowed under the terms of this section to be paid to the tax collector shall be paid, by said tax collector, into the county treasury, or to the official performing the duties of county treasurer.

Section 9. The tax collector shall after the deduction of the fee as herein provided, remit the revenue collected hereunder to the Department of Revenue for deposit to the credit of the Alabama Special Education Trust Fund.

Section 10. All other provisions of this act to the contrary notwithstanding, in any county in which the office of license commissioner has been established pursuant to a local law or general law of local application, such license commissioner shall fulfill all duties and requirements imposed upon the tax collector by this act. In such counties the tax collector is hereby relieved of all duties required under the provisions of this act. In those counties where the provisions of this section shall be applicable, any fees allowed for the collection of taxes under this act shall be deducted from the tax collections by the license commissioner and paid by the license commissioner into the county treasury, or to the official performing the duties of county treasurer. For the purposes of this section only, the term tax collector shall mean the "tax collector in such county" and shall not include any "other county official required by law to fulfill the duties of the tax collector" as specified in section 1 of this act.

Section 11. Any person failing to pay the tax levied under the provisions of this act shall be guilty of a Class C misdemeanor and upon conviction thereof, be punished as prescribed by law for such offense.

Section 12. Act No. 477, adopted at the 1980 regular session of the Legislature of Alabama and all other laws or parts of laws which conflict with this act are repealed.

Section 13. The provisions of this act are severable. If any part of the act is declared unconstitutional, such declaration shall not affect the part which remains.

Section 14. This act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming law.

SUBSTITUTE ADOPTED

And the substitute offered by Rep. Biddle to the bill, H. 327 with pending committee substitute, was adopted.

Yeas 58; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bennett, Biddle, Blake, Boles, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Holley, Kelley, Kennedy, McMillan, Manley, Moore, Olive, Pegues, Penry, Rains, Ray, Riddick, Roberts, Shavers, Shoemaker, Smith (C), Smith (M), Stewart, Stout, Trammell, Turner, Venable, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—58

Nay: Rep. Wyatt.

—1

And the bill:

H. 327. To provide for the levy of a sales tax on the sale of any automotive vehicle, truck trailer, semitrailer, or house trailer required to be registered or licensed with the judge of probate or other licensing authority of any county in this state and purchased other than at wholesale in this state from any person, firm, or corporation not a licensed dealer engaged in selling automotive vehicles, truck trailers, semitrailers, or house trailers within the state; to provide that the tax collector collect the tax from the purchaser before the registration or licensing of any such automotive vehicle, truck trailer, semitrailer, or house trailer; to provide for the levy of an excise or use tax in lieu of the excise tax levied by Section 40-23-61 (c), Code of Alabama, 1975, as amended on the storage, use, or other consumption in the state of any automotive vehicle, truck trailer, semitrailer, or house trailer required to be registered or licensed with the judge of probate or other licensing authority of any county in this state and purchased other than at wholesale outside the state on or after July 1, 1981 for storage, use or other consumption in this state; to require the tax collector to collect such tax from the purchaser before the registration or licensing of any such automotive vehicle, truck trailer, semitrailer, or house trailer in this state; to provide for the allowance of a fee on taxes collected to the tax collector; to provide for the distribution of the tax collected; to require the license commissioner to collect the tax in counties where such office has been established pursuant to a local law or general law of local application; and to provide for reciprocity.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 13.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Gregg, Hammett, Harper (O), Harvey, Holley, Howard, Johnson (Roy), Kelley, Laird, Langford, Lewis, McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Pegues, Penry, Ray, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (J), Smith (M), Starkey, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Whatley, Williams, Willis and Zoghby.

—68

Nays:

Reps. Albright, Cheatwood, Gilmer, Grouby, Hall, Johnson (R. G.), Payne, Reed, Smith (C), Stewart, Stout, Warren and Wyatt.

—13

And the bill:

H. 43. To specifically exempt certain drugs from any state gross sales taxes; to define such drugs.

Was taken up.

AMENDMENT OFFERED

Rep. Biddle offered the following amendment to the bill, H. 43:

Amend House Bill 43, Page 1, beginning on Line 36, by striking Section 5 in its entirety and adding a new Section 5 to read as follows:

Section 5. This act shall become effective July 1, 1981.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Biddle, Blake, Boles, Buskey, Cabaniss, Campbell, Carothers, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Harvey, Holley, Johnson (R. G.), Kelley, Laird, Lewis, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (J), Stewart, Stout, Trammell, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—68

And the bill, H. 43 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 8.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Gregg, Grimsley, Hall, Hammett, Harrison, Harvey, Johnson (R. G.), Kelley, Letson, Lewis, McMillan, Manley, Minus, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—72

Nays:

Reps. Albright, Boles, Buskey, Holley, Kennedy, Laird, Smith (C), and Turnham.

—8

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 43:

Reps. Smith (J), Zoghby, Reed, Olive, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Carter, Cooley, Cosby, Crow, Drinkard, Gafford, Gilmer, Greer, Gregg, Hammett, Harper (O), Harrison, Harvey, Letson, Lewis, McMillan, Minus, Moore, Payne, Penry, Rains, Ray, Sandusky, Shavers, Smith (M), Starkey, Stout, Trammell, Waggoner and Warren.

And the bill:

H. 71. To authorize county governing bodies to establish self-funded insurance groups for the purposes of providing workmen's compensation benefits for county officials and county employees; providing health and accident benefits for county officials, county employees and the officials' and employees' dependent family members; and providing liability insurance protection for county officials, county employees and county property.

Was taken up.

SUBSTITUTE OFFERED

Rep. Adams (C) offered the following substitute to the bill, H. 71:

A BILL TO BE ENTITLED AN ACT

To authorize county governing bodies to establish self-funded insurance groups for the purposes of providing workmen's compensation benefits for county officials and county employees; and providing health and accident benefits for county officials, county employees and the officials' and employees' dependent family members.

Be It Enacted by the Legislature of Alabama:

Section 1.(a) Any county or group of counties, either individually or collectively, may establish a Workmen's Compensation Self-Insurance Group for the purpose of providing workmen's compensation benefits for county officials and county employees.

(b) Member counties may appropriate such funds as necessary to the Workmen's Compensation Self-Insurance Group to provide such workmen's compensation benefits.

(c) Member counties shall by the terms of this Act be qualified as self-insurers under Title 25, Chapter 5, Code of Alabama, 1975, as amended generally and Section 25-5-9, Code of Alabama, 1975, specifically and such workmen's compensation group shall be governed by the provisions of Sections 25-5-1 through 25-5-231, Code of Alabama 1975, as amended.

Section 2.(a) Any county or group of counties, either individually or collectively, may establish a Health and Accident Self-Insurance Group for the purpose of providing health care and hospitalization benefits for their officers, employees and family members dependent upon such officers or employees.

(b) Member counties may appropriate such funds as necessary to the Health and Accident Self-Insurance Group to provide such hospitalization and health care benefits. Member counties may collect from its officers and employees such amounts necessary for dependent family coverage and remit the same to the Health and Accident Self-Insurance Group.

Section 3. Each Workmen's Compensation Self-Insurance Group established under the provisions of this Act shall have the power and authority to establish a governing body of trustees; establish by-laws for the governing of such group; establish a schedule of benefits payable which are consistent with applicable state and federal laws; establish a schedule of charges to be collected from member counties for benefits provided which are consistent with applicable state and federal laws; enter into contracts with solvent insurance companies authorized to do business in this state; enter into management and consultant contracts; hire attorneys and employees; and exercise such other power and authority incident to the purposes of this Act.

Section 4. Each Health and Accident Self-Insurance Group established under provisions of this Act shall have the power and authority to establish a governing body of trustees; establish by-laws for the governing of such group; establish a schedule of benefits payable; establish a schedule of charges to be collected from member counties for benefits provided; enter into contracts with solvent insurance companies authorized to do business in this state; enter into management and consultant contracts; hire attorneys and employees; and, exercise such powers and authority incident to the purposes of this Act.

Section 5. Each Health and Accident Self-Insurance Group established under the provisions of this Act shall file with the State Insurance Commissioner, a copy of its by-laws and schedule of benefits and charges. Such group, however, shall be exempt from regulation by the Department of Insurance of the State of Alabama and all premiums or charges collected shall be exempt from insurance premium tax.

Section 6. Sections 1 and 3 of this Act are supplemental and shall insofar as possible be construed in pari materia with Sections 25-5-1 through

25-5-231, Code of Alabama 1975, as amended; however, all laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Section 7. The provisions of this Act are severable. Should any provision be declared unconstitutional, such declaration shall not affect the remaining portions thereof.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Blake, Boles, Bowling, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Dial, Dixon, Edwards, Gilmer, Goodwin, Greer, Gregg, Grimsley, Hall, Hammett, Harper (O), Harrison, Harvey, Johnson (R. G.), Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Patton, Payne, Penry, Rains, Reed, Riddick, Roberts, Sandusky, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—68

S. 263 SUBSTITUTED FOR H. 71

On motion of Rep. Adams (C), the bill, S. 263 with substitute, was substituted for the bill, H. 71 as amended.

And the bill:

S. 263. (With Substitute): To authorize county governing bodies to establish self-funded insurance groups for the purposes of providing workmen's compensation benefits for county officials and county employees; providing health and accident benefits for county officials, county employees and the officials' and employees' dependent family members; and providing liability insurance protection for county officials, county employees and county property.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Government, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To authorize county governing bodies to establish self-funded insurance groups for the purposes of providing workmen's compensation benefits for county officials and county employees; and providing health and accident benefits for county officials, county employees and the officials' and employees' dependent family members.

Be It Enacted by the Legislature of Alabama:

Section 1.(a) Any county or group of counties, either individually or collectively, may establish a Workmen's Compensation Self-Insurance Group for the purpose of providing workmen's compensation benefits for county officials and county employees.

(b) Member counties may appropriate such funds as necessary to the Workmen's Compensation Self-Insurance Group to provide such workmen's compensation benefits.

(c) Member counties shall by the terms of this Act be qualified as self-insurers under Title 25, Chapter 5, Code of Alabama, 1975, as amended generally and Section 25-5-9, Code of Alabama, 1975, specifically and such workmen's compensation group shall be governed by the provisions of Sections 25-5-1 through 25-5-231, Code of Alabama 1975, as amended.

Section 2.(a) Any county or group of counties, either individually or collectively, may establish a Health and Accident Self-Insurance Group for the purpose of providing health care and hospitalization benefits for their officers, employees and family members dependent upon such officers or employees.

(b) Member counties may appropriate such funds as necessary to the Health and Accident Self-Insurance Group to provide such hospitalization and health care benefits. Member counties may collect from its officers and employees such amounts necessary for dependent family coverage and remit the same to the Health and Accident Self-Insurance Group.

Section 3. Each Workmen's Compensation Self-Insurance Group established under the provisions of this Act shall have the power and authority to establish a governing body of trustees; establish by-laws for the governing of such group; establish a schedule of benefits payable which are consistent with applicable state and federal laws; establish a schedule of charges to be collected from member counties for benefits provided which are consistent with applicable state and federal laws; enter into contracts with solvent insurance companies authorized to do business in this state; enter into management and consultant contracts; hire attorneys and employees; and exercise such other power and authority incident to the purposes of this Act.

Section 4. Each Health and Accident Self-Insurance Group established under provisions of this Act shall have the power and authority to establish a governing body of trustees; establish by-laws for the governing of such group; establish a schedule of benefits payable; establish a schedule of charges to be collected from member counties for benefits provided; enter into contracts with solvent insurance companies authorized to do business in this state; enter into management and consultant contracts; hire attorneys and employees; and, exercise such powers and authority incident to the purposes of this Act.

Section 5. Each Health and Accident Self-Insurance Group established under the provisions of this Act shall file with the State Insurance Commissioner, a copy of its by-laws and schedule of benefits and charges. Such group, however, shall be exempt from regulation by the Department of Insurance of the State of Alabama and all premiums or charges collected shall be exempt from insurance premium tax.

Section 6. Sections 1 and 3 of this Act are supplemental and shall insofar as possible be construed in pari materia with Sections 25-5-1 through 25-5-231, Code of Alabama 1975, as amended; however, all laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Section 7. The provisions of this Act are severable. Should any provision be declared unconstitutional, such declaration shall not affect the remaining portions thereof.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Bedsole, Bennett, Biddle, Blake, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Crow, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Holley, Johnson (R. G.), Johnson (Roy), Manley, Minus, Moore, Olive, Parker, Payne, Ray, Reed, Riddick, Roberts, Sandusky, Shavers, Shoemaker, Smith (C), Smith (J), Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—58

And the bill, S. 263 as thus amended, was read a third time at length and passed.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Biddle, Blake, Boles, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Johnson (R. G.), Johnson (Roy), Langford, Lewis, McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Payne, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Stewart, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—74

H. 71 INDEFINITELY POSTPONED

On motion of Rep. Adams (C), the bill, H. 71 as amended, was indefinitely postponed.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Willis:

H. J. R. 226. COMMENDING MR. R. C. "DICK" THATCHER, JR., PRESIDENT OF STANDARD-COOSA-THATCHER COMPANY IN PIEDMONT, ALABAMA.

WHEREAS, Mr. R. C. "Dick" Thatcher, Jr., President of Standard-Coosa-Thatcher Company, with one of the company's plants located in Piedmont, Alabama, has devoted his unselfish leadership in providing an industry employing 600 Alabamians in Piedmont, Alabama; and

WHEREAS, under his 19 years of leadership as president of the company, the Piedmont Plant has achieved its greatest growth, investing \$8 million in modernization in Piedmont. In addition to this plant, he purchased the Boaz Spinning Company in 1964 with plants located in Boaz and Gunter-ville, thus providing more employment for Alabamians in these areas; and

WHEREAS, Mr. Thatcher has served his industry well through directorships, president of state and national textile associations as well as a leader in civic organizations and his church; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, that we sincerely commend, honor, and express our appreciation for his outstanding leadership and dedication for Piedmont, its people, and our state; we further wish him well in all future endeavors and direct that he receive a copy of this resolution as a token of our appreciation.

On motion of Rep. Willis, the rules were suspended and the resolution, H. J. R. 226, was adopted.

Also:

By Rep. Owens:

H. J. R. 227. EXPRESSING THE LEGISLATURE'S APPRECIATION FOR THE HOSPITALITY OF THOSE IN THE GADSDEN-ETOWAH COUNTY AREA OF OUR STATE.

WHEREAS, members of the Legislature and other guests were most graciously entertained this past week-end by the Etowah County delegation, the Gadsden Chamber of Commerce and other fine citizens of that area of our state; and

WHEREAS, not only did the trip serve to inform and enlighten as to the many contributions of that region to the State of Alabama, but to entertain as well with many festivities scheduled during the trip; and

WHEREAS, those unfamiliar with the friendliness and warmth of those in the Gadsden-Etowah County area were soon to know that famous Southern Hospitality is much in evidence and can be found in no greater measure anywhere in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend our sincere thanks to all members of the Etowah County delegation and to all those individuals and groups responsible for the many courtesies shown during a memorable week-end of warm hospitality.

BE IT FURTHER RESOLVED, That copies of this resolution, expressing our sincere appreciation for their kindness, be provided for those who hosted the "Gadsden-Etowah County Week-end" for the Legislature.

On motion of Rep. Owens, the rules were suspended and the resolution, H. J. R. 227, was adopted.

BILLS ON THIRD READING RESUMED

And the bill:

H. 121. To amend Sections 12-15-1 and 12-15-32 of the Code of Alabama 1975, relating to juvenile proceedings, so as to revise the age of juveniles.

Was taken up.

SUBSTITUTE OFFERED

Rep. Patton offered the following substitute to the bill, H. 121:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 12-15-1, Code of Alabama 1975, so as to remove felonies and violations of the conservation and natural resources laws from the definition of a delinquent act when committed by one 16 years of age or older; to amend Section 12-15-30, Code of Alabama 1975, so as to grant jurisdiction to the juvenile court of those offenses transferred to it by other courts; to amend Section 12-15-33, Code of Alabama 1975, so as to provide for the transfer of a child to the juvenile court from other courts unless the child has previously been convicted of a felony in the adult court or has been transferred to the adult court pursuant to the provisions of Section 12-15-34, Code of Alabama 1975; and, to amend Section 12-15-34, Code of Alabama 1975, so as to provide that a child 14 years of age or older may be transferred to the adult court for any crime, to provide that a finding of probable cause by the juvenile court in a transfer hearing held pursuant to this section shall preclude the necessity of a preliminary hearing in the adult court, and to further provide that the transfer of a child 14 years of age or older to the adult court shall terminate the jurisdiction of the juvenile court over such child.

Be It Enacted by the Legislature of Alabama.

Section 1. Section 12-15-1, Code of Alabama 1975, is hereby amended to read as follows: "Section 12-15-1. Definitions.

"When used in this chapter, the following words and phrases shall have the following meanings, respectively, unless the context clearly indicates otherwise:

- (1) ADULT. An individual 19 years of age or older.
- (2) AFTERCARE. Such conditions and supervision as the court orders after release of legal custody.
- (3) CHILD.
 - a. Such term, before January 1, 1978, means an individual under the age of 17 or under 19 years of age who committed the act of delinquency with which he is charged before reaching the age of 17 years.

b. Such term, after December 31, 1977, means an individual under the age of 18 or under 19 years of age and who committed the act of delinquency with which he is charged before reaching the age of 18 years.

(4) CHILD IN NEED OF SUPERVISION. A child who:

a. Being subject to compulsory school attendance, is habitually truant from school; or

b. Disobeys the reasonable and lawful demands of his parents, guardian or other custodian and is beyond their control; or

c. Has committed an offense established by law but not classified as criminal or one applicable only to children; and

d. In any of the foregoing, is in need of care or rehabilitation.

(5) COMMIT. Transfer legal and physical custody.

(6) CONSENT DECREE. An order, entered after the filing of a delinquency petition and before the entry of an adjudication order, suspending the proceedings and continuing the case of the child under supervision in the child's own home, under terms and conditions agreed to by all parties concerned.

(7) COURT OR JUVENILE COURT. The juvenile division of the district court or the juvenile division of the circuit court as established by this chapter.

(8) DELINQUENT ACT. An act designated a crime under the law of this state or of another state if the act occurred in another state or under federal law or a violation of a municipal ordinance; provided, however, that crimes designated as felonies, and any offense arising out of the same incident as a felony charge, committed by one sixteen (16) years of age or older, traffic offenses committed by one sixteen (16) years of age or older and all offenses under the conservation and natural resources laws of the state of Alabama committed by one sixteen (16) years of age or older shall be excepted unless transferred to the juvenile court by the court having jurisdiction.

(9) DELINQUENT CHILD. A child who has committed a delinquent act and is in need of care or rehabilitation.

(10) DEPENDENT CHILD. A child:

a. Who, for any reason is destitute, homeless or dependent on the public for support; or

b. Who is without a parent or guardian able to provide for his support, training or education; or

c. Whose custody is the subject of controversy; or

d. Whose home, by reason of neglect, cruelty or depravity on the part of his parent, parents, guardian or other person in whose care he may be, is an unfit and improper place for him; or

e. Whose parent, parents, guardian or other custodian neglects or refuses, when able to do so or when such service is offered without charge, to provide or allow medical, surgical or other care necessary for such child's health or well-being; or

f. Who is in such condition or surroundings or is under such improper or insufficient guardianship or control as to endanger his morals, health or general welfare; or

g. Who has no proper parental care or guardianship; or

h. Whose parent, parents, guardian or custodian fail, refuse or neglect to send such child to school in accordance with the terms of the compulsory school attendance laws of this state; or

i. Who has been abandoned by his parents, guardian or other custodian; or

j. Who is physically, mentally or emotionally abused by his parents, guardian or other custodian or who is without proper parental care and control necessary for his well-being because of the faults or habits of his parents, guardian or other custodian or their neglect or refusal, when able to do so, to provide them; or

k. Whose parents, guardian or other custodian are unable to discharge their responsibilities to and for the child; or

l. Who has been placed for care or adoption in violation of the law; or

m. Who for any other cause is in need of the care and protection of the state; and

n. In any of the foregoing, is in need of care or supervision.

(11) **DETENTION CARE.** The temporary care of delinquent children or children alleged to be delinquent in secure custody pending court disposition or transfer to a residential facility or further care of a child adjudicated a delinquent; provided, however, that detention care may also include temporary care of children in need of supervision until January 1, 1978.

(12) **GUARDIAN AD LITEM.** A licensed lawyer appointed by a court to defend or represent a child in any action to which such child may be a party.

(13) **INTAKE OFFICE.** The office in the probation service or designee of the judge with the duty of primary contact with the law enforcement agency and complainants of children coming under the jurisdiction of the court.

(14) **JUDGE.** Judge of the juvenile court as prescribed by this chapter.

(15) **LAW ENFORCEMENT OFFICER.** Any person, however denominated, who is authorized by law to exercise the police powers of the state or local governments.

(16) **LEGAL CUSTODIAN.** A person, agency or department, other than a parent or legal guardian, to whom legal custody of the child has been given by court order or who is acting in loco parentis.

(17) **LEGAL CUSTODY.** A legal status created by court order which vests in a custodian the right to have physical custody of the child and to determine where and with whom he shall live within the state and the right and duty to protect, train and discipline him and to provide him with food, shelter, clothing, education and ordinary medical care, all subject to the powers, rights, duties and responsibilities of the guardian of the person of the child and subject to any residual parental rights and responsibilities. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by the juvenile court.

(18) **MINOR.** An individual who is under the age of 19 years and who is not a "child" within the meaning of this chapter.

(19) **PROBATION.** The legal status created by court order following an adjudication of delinquency or in need of supervision whereby a child is permitted to remain in a community subject to supervision and return to court for violation of probation at any time during the period of probation.

(2) **PROTECTIVE SUPERVISION.** A legal status created by court order following an adjudication of dependency whereby a child is permitted to remain in his home subject to supervision and to return to the court for violation of protective supervision at any time during the period of protective supervision.

(21) **RESIDENTIAL FACILITY.** A dwelling, other than a detention or shelter care facility, providing living accommodations, care, treatment and maintenance for children, including institutions, foster family homes, group homes, halfway houses and forestry camps, and, where not operated by a public agency, licensed or approved to provide such care.

(22) **RESIDUAL PARENTAL RIGHTS AND RESPONSIBILITIES.** Those rights and responsibilities remaining with the parent after the transfer of legal custody or guardianship of the person, including, but not necessarily limited to, the right of visitation, the right to consent to adoption, the right to determine religious affiliation and the responsibility for support.

(23) **SHELTER CARE.** The temporary care of children in group homes, foster care or other nonpenal facilities".

Section 2. Section 12-15-30, Code of Alabama 1975, is hereby amended to read as follows: "Section 12-15-30. Original jurisdiction generally - children.

"(a) The juvenile court shall exercise exclusive original jurisdiction of the following proceedings, which are governed by this chapter:

(1) Proceedings, in which a child is alleged to be delinquent, dependent or in need of supervision; and

(2) Proceedings involving traffic offenses which have been transferred to the juvenile court pursuant to subsection (b) of section 12-15-133 12-15-33.

(3) Proceedings which have been transferred to the juvenile court from any court having original jurisdiction pursuant to subsection (b) of section 12-15-33.

"(b) The court shall also exercise exclusive original jurisdiction of the following proceedings, which shall be governed by the laws relating thereto:

(1) Proceedings to determine custody or to appoint a legal custodian or guardian of the person of a child when the child is otherwise before the court. This provision, however, shall not be construed to deprive other courts of the right to determine the custody or guardianship of the person of children when such custody or guardianship is incidental to the determination of cases pending in those courts. Such courts, however, may certify said questions to the juvenile court for hearing and determination or recommendation;

(2) Removal of disabilities of nonage, including judicial consent to marriage, employment or enlistment when such consent is required by law;

(3) Proceedings under the Interstate Compact on Juveniles;

(4) Proceedings for the commitment of a mentally ill or mentally retarded child;

(5) Proceedings for the adoption of a child when such proceedings have been removed from probate court on motion of any party to the proceedings; and

(6) Termination of parental rights.

“(c) The court shall have original jurisdiction in proceedings:

(1) Concerning any child:

a. Who is in a situation subjecting him to physical, mental or emotional abuse or is in clear and present danger of suffering lasting or permanent damage; or

b. Who requires emergency medical treatment in order to preserve his life, prevent permanent physical impairment or deformity or alleviate prolonged agonizing pain;

(2) Where it is alleged that a child's rights are improperly denied or infringed in proceedings resulting in suspension, expulsion or exclusion from a public school”.

Section 3. Section 12-15-33, Code of Alabama 1975, is hereby amended to read as follows: “Section 12-15-33. Transfer of cases to juvenile court from other courts.

“(a) If it shall be ascertained during the pendency of a criminal or quasi-criminal charge that a defendant was a child, as defined in this chapter, at the time of the alleged offense, that court, which shall have the duty to ascertain such age, shall forthwith transfer the case, together with all the papers, documents and transcripts of any testimony connected therewith, to the juvenile court, except when the offense alleged is a felony committed by one sixteen (16) years of age or older. The transferring court shall order that the juvenile be taken forthwith to the place of detention designated by the juvenile court or to the juvenile court itself or shall release him to the custody of his parent or guardian or other person legally responsible for him or under his own recognizance, to be brought before the court at a time designated by it. The accusatory pleading may serve in lieu of a petition in the juvenile court, unless that court directs the filing of a petition. The juvenile court shall then proceed as provided in this chapter. All action taken by the court prior to transfer of the case shall be deemed null and void unless the juvenile court transfers under section 12-15-34.

“(b) Any court exercising jurisdiction over felonies, misdemeanors, violations, offenses under the conservation and natural resources laws or traffic offenses may transfer any case involving *the* alleged crime, violation or traffic offense by a child, as defined in this chapter, to the juvenile court for adjudication as an act of delinquency, except in the case of a child who has been previously convicted of a felony offense in the adult court or who has been previously transferred from the juvenile court to the adult court under the provisions of section 12-15-34”.

Section 4. Section 12-15-34, Code of Alabama 1975, is hereby amended to read as follows: “Section 12-15-34. Transfer of cases from juvenile court to criminal court.

“(a) The prosecutor may, before a hearing on the petition on its merits and following consultation with probation services, file a motion requesting the court to transfer the child for criminal prosecution, if:

(1) The the child was fourteen (14) or more years of age at the time of the conduct charged and is alleged to have committed an act which would constitute a felony crime if committed by an adult;. or

(2) The child is 14 or more years of age and is already under commitment to an agency, department or institution as a delinquent.

“(b) The court shall conduct a hearing on all such motions for the purpose of determining whether it is in the best interest of the child or the public to grant the motion. If the court so finds and there are no reasonable grounds to believe he is committable to an institution or agency for the mentally retarded or mentally ill, it shall order the case transferred for criminal prosecution.

“(c) When there are grounds to believe that the child is committable to an institution or agency for the mentally retarded or mentally ill, the court shall proceed as provided in section 12-15-70.

“(d) Evidence of the following and other relevant factors shall be considered in determining whether the motion shall be granted:

(1) The nature of the present alleged offense;

(2) The extent and nature of the child’s prior delinquency record;

(3) The nature of past treatment effort and the nature of the child’s response to such efforts;

(4) Demeanor;

(5) The extent and nature of the child’s physical and mental maturity; and

(6) The interest of the community and of the child requiring that the child be placed under legal restraint or discipline.

“(e) Prior to a hearing on the motion by the prosecutor, a study and report to the court, in writing, relevant to the factors listed in subsection (d) of this section shall be made by probation services.

“(f) When a person is transferred for criminal prosecution, the court shall set forth in writing its reasons for granting the motion, which shall include a finding of probable cause for believing that the allegations are true and correct”.

(g) The finding of probable cause by the juvenile court shall preclude the necessity for a preliminary hearing in the adult court subsequent to the transfer of the case, and the court may exercise any authority over the case and the child, subsequent to the transfer, which is otherwise applicable to adult cases and offenders under provisions of law or rules of procedure adopted by the supreme court.

(h) Transfer of a child to adult court as herein provided terminates the jurisdiction of the juvenile court over the child with respect to pending and subsequent delinquent acts.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. The provisions of this act are severable. If any portion of this act shall be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining portions of this act.

Section 7. This act shall become effective on October 1, 1981.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 55; Nays 7.

Yeas:

Mr. Speaker, Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Cooley, Dixon, Ford, Gafford, Goodwin, Greer, Gregg, Grimsley, Hall, Hammett, Harper (O), Harvey, Johnson (R. G.), Johnson (Roy), Lewis, McMillan, Minus, Mitchell, Naramore, Olive, Parker, Penry, Rains, Ray, Riddick, Sandusky, Seibels, Shoemaker, Smith (C), Trammell, Turner, Venable, Waggoner, Ward, Williams, Willis and Zoghby.

—55

Nays:

Reps. Clark (W), Edwards, Harrison, Holley, Langford, Reed and Wyatt.

—7

RECESS

On motion of Rep. Daniels, the House recessed for thirty minutes.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

H. 121 RESUMED

SUBSTITUTE OFFERED

Rep. Smith (J) offered the following substitute to the bill, H. 121 as amended:

A BILL TO BE ENTITLED AN ACT

To amend Sections 12-15-34 and 12-15-58, Code of Alabama 1975, relating to juvenile justice, so as to provide once a child has been transferred to criminal court, all subsequent criminal action against said person shall be tried in criminal court; to provide for the transfer of cases to criminal court in all instances where certain children are charged with Class A felonies or have previously been convicted of a Class A felony; and to provide for the continued detention of certain children until a hearing has been completed.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-15-34 and 12-15-58, Code of Alabama 1975, are hereby amended to read as follows: "§ 12-15-34.

“(a) The prosecutor may, before a hearing on the petition on its merits and following consultation with probation services, file a motion requesting the court to transfer the child for criminal prosecution, if:

“(1) The child was 14 or more years of age at the time of the conduct charged and is alleged to have committed an act which would constitute a felony if committed by an adult; or

“(2) The child is 14 or more years of age and is already under commitment to an agency, department or institution as a delinquent.

“(b) The court shall conduct a hearing on all such motions for the purpose of determining whether it is in the best interest of the child or the public to grant the motion. If the court so finds and there are no reasonable grounds to believe he is committable to an institution or agency for the mentally retarded or mentally ill, it shall order the case transferred for criminal prosecution.

“(c) When there are grounds to believe that the child is committable to an institution or agency for the mentally retarded or mentally ill, the court shall proceed as provided in section 12-15-70.

“(d) Evidence of the following and other relevant factors shall be considered in determining whether the motion shall be granted:

“(1) The nature of the present alleged offense;

“(2) The extent and nature of the child’s prior delinquency record;

“(3) The nature of past treatment efforts and the nature of the child’s response to such efforts;

“(4) Demeanor;

“(5) The extent and nature of the child’s physical and mental maturity; and

“(6) The interests of the community and of the child requiring that the child be placed under legal restraint or discipline.

“(e) Prior to a hearing on the motion by the prosecutor, a study and report to the court, in writing, relevant to the factors listed in subsection (d) of this section shall be made by probation services.

“(f) When a person is transferred for criminal prosecution, the court shall set forth in writing its reasons for granting the motion, which shall include a finding of probable cause for believing that the allegations are true and correct.

“(g) Once a child has been transferred from juvenile court to criminal court, all subsequent criminal or quasi-criminal action against said person shall be tried in criminal court and not in juvenile court.

“(h) A child over the age of 16 who is charged with an offense constituting a Class A felony as defined by Title 13A, Code of Alabama 1975, shall automatically be transferred to criminal court to be tried as an adult. A prompt hearing shall be conducted by the juvenile court to determine if said person shall be transferred according to the requirements of this subsection.

“(i) A child over the age of 16 who has previously been convicted of a crime constituting any felony as defined by Title 13A, Code of Alabama 1975,

shall automatically be transferred to criminal court to be tried as an adult. A prompt hearing shall be conducted by the juvenile court to determine if said person shall be transferred according to the requirements of this subsection."

"§ 12-15-58.

"(a) A person taking a child into custody shall, with all possible speed, and in accordance with the provisions of this chapter and the rules of court pursuant thereto:

"(1) Release the child to such child's parents, guardian, custodian or other suitable person able and willing to provide supervision and care for such child and issue oral counsel and warning as may be appropriate:

"(2) Release the child to the child's parents, guardian or custodian upon their promise to bring the child before the court when requested, unless the child's placement in detention or shelter care appears required;

"(3) Bring the child, if not released, to the intake office of probation services or deliver the child to a place of detention or shelter care designated by the court and, in the most expeditious manner possible, give notice of the action taken, together with a statement of the reasons for taking the child into custody, in writing to the intake office, to the court and to the parent, guardian or other custodian of the child and, in the case of dependency, to the department of pensions and security.

"(b) Whenever a child, taken into custody pursuant to the provisions of this chapter, is brought to a shelter or other care facility established or approved by the department of pensions and security or the department of youth services or to the intake office, the person in charge of such intake office or the representative of the department of pensions and security, prior to admitting the child for care, shall review the need for detention or shelter care and shall release the child unless detention or shelter care is required under section 12-15-59 or has been ordered by the court.

"Provided, however, the intake officer or the representative of the department of pensions and security shall not release a child charged with the commission of a Class A felony. A mandatory detention hearing shall be promptly conducted by a juvenile court judge. No such child shall be released prior to the judge's approval.

"(c) A person taking a child into custody pursuant to the provisions of subdivisions (1) and (7) of section 12-15-56 shall bring the child to the place of detention or shelter care or to the intake office which shall thereupon proceed in accordance with the provisions of this chapter.

"(d) A person taking a child into custody pursuant to subdivision (4) of section 12-15-56 shall bring the child to a medical or mental health facility designated by the court if the child is believed to be suffering from a serious mental health condition, illness or injury which requires either prompt treatment or prompt diagnosis for the child's welfare or for evidentiary purposes, and, in the most expeditious manner possible, give notice of the action taken together with a statement of taking the child into custody in writing to the court, the parents, guardian or other custodian and to the intake office and to the department of pensions and security in the case of a dependency allegation."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TABLED

On motion of Rep. Reed, the substitute offered by Rep. Smith (J) to the bill, H. 121 as amended, was tabled.

Yeas 56; Nays 32.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Cooley, Cosby, Dial, Gafford, Gilmer, Goodwin, Grimsley, Hall, Harper (O), Harvey, Johnson (R. G.), Johnson (Roy), Kelley, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Reed, Sasser, Seibels, Shoemaker, Stout, Trammell, Turner, Waggoner, Ward, Whatley, Williams, Willis and Zoghby.

—56

Nays:

Reps. Adams (H), Amari, Bennett, Buskey, Cates, Clark (W), Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Greer, Gregg, Grouby, Hammett, Harrison, Holmes, Horn, Kennedy, Laird, Langford, Nevett, Ray, Riddick, Smith (C), Smith (J), Stewart, Venable, Warren and Wyatt.

—32

SUBSTITUTE OFFERED

Rep. Smith (J) offered the following substitute No. 2 to the bill, H. 121 as amended:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 12-15-34 and 12-15-58, Code of Alabama 1975, relating to juvenile justice, so as to provide once a child has been transferred to criminal court, all subsequent criminal action against said person shall be tried in criminal court; to provide for the transfer of cases to criminal court in all instances where certain children are charged with Class A felonies or have previously been convicted of a Class A felony; and to provide for the continued detention of certain children until a hearing has been completed.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-15-34 and 12-15-58, Code of Alabama 1975, are hereby amended to read as follows:

"§ 12-15-34.

"(a) The prosecutor may, before a hearing on the petition on its merits and following consultation with probation services, file a motion requesting the court to transfer the child for criminal prosecution, if:

"(1) The child was 14 or more years of age at the time of the conduct charged and is alleged to have committed an act which would constitute a felony if committed by an adult; or

"(2) The child is 14 or more years of age and is already under commitment to an agency, department or institution as a delinquent.

"(b) The court shall conduct a hearing on all such motions for the purpose of determining whether it is in the best interest of the child or the public to grant the motion. If the court so finds and there are no reasonable grounds to believe he is committable to an institution or agency for the mentally retarded or mentally ill, it shall order the case transferred for criminal prosecution.

"(c) When there are grounds to believe that the child is committable to an institution or agency for the mentally retarded or mentally ill, the court shall proceed as provided in section 12-15-70.

"(d) Evidence of the following and other relevant factors shall be considered in determining whether the motion shall be granted:

"(1) The nature of the present alleged offense;

"(2) The extent and nature of the child's prior delinquency record;

"(3) The nature of past treatment efforts and the nature of the child's response to such efforts;

"(4) Demeanor;

"(5) The extent and nature of the child's physical and mental maturity; and

"(6) The interests of the community and of the child requiring that the child be placed under legal restraint or discipline.

"(e) Prior to a hearing on the motion by the prosecutor, a study and report to the court, in writing, relevant to the factors listed in subsection (d) of this section shall be made by probation services.

"(f) When a person is transferred for criminal prosecution, the court shall set forth in writing its reasons for granting the motion, which shall include a finding of probable cause for believing that the allegations are true and correct.

"(g) Once a child has been transferred from juvenile court to criminal court, all subsequent criminal or quasi-criminal action against said person shall be tried in criminal court and not in juvenile court.

"(h) A child over the age of 16 who is charged with an offense constituting a Class A felony as defined by Title 13A, Code of Alabama 1975, shall automatically be transferred to criminal court to be tried as an adult.

"(i) A child over the age of 16 who has previously been convicted of a crime constituting any felony as defined by Title 13A, Code of Alabama 1975, shall automatically be transferred to criminal court to be tried as an adult.

"§ 12-15-58.

"(a) A person taking a child into custody shall, with all possible speed, and in accordance with the provisions of this chapter and the rules of court pursuant thereto:

"(1) Release the child to such child's parents, guardian, custodian or other suitable person able and willing to provide supervision and care for such child and issue oral counsel and warning as may be appropriate;

"(2) Release the child to the child's parents, guardian or custodian upon their promise to bring the child before the court when requested, unless the child's placement in detention or shelter care appears required;

"(3) Bring the child, if not released, to the intake office of probation services or deliver the child to a place of detention or shelter care designated by the court and, in the most expeditious manner possible, give notice of the action taken, together with a statement of the reasons for taking the child into custody, in writing to the intake office, to the court and to the parent, guardian or other custodian of the child and, in the case of dependency, to the department of pensions and security.

"(b) Whenever a child, taken into custody pursuant to the provisions of this chapter, is brought to a shelter or other care facility established or approved by the department of pensions and security or the department of youth services or to the intake office, the person in charge of such intake office or the representative of the department of pensions and security, prior to admitting the child for care, shall review the need for detention or shelter care and shall release the child unless detention or shelter care is required under section 12-15-59 or has been ordered by the court.

"Provided, however, the intake officer or the representative of the department of pensions and security shall not release a child charged with the commission of a Class A felony. A mandatory detention hearing shall be promptly conducted by a juvenile court judge. No such child shall be released prior to the judge's approval.

"(c) A person taking a child into custody pursuant to the provisions of subdivisions (1) and (7) of section 12-15-56 shall bring the child to the place of detention or shelter care or to the intake office which shall thereupon proceed in accordance with the provisions of this chapter.

"(d) A person taking a child into custody pursuant to subdivision (4) of section 12-15-56 shall bring the child to a medical or mental health facility designated by the court if the child is believed to be suffering from a serious mental health condition, illness or injury which requires either prompt treatment or prompt diagnosis for the child's welfare or for evidentiary purposes, and, in the most expeditious manner possible, give notice of the action taken together with a statement of taking the child into custody in writing to the court, the parents, guardian or other custodian and to the intake office and to the department of pensions and security in the case of a dependency allegation."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO POSTPONE TABLED

On motion of Rep. Patton, the motion offered by Rep. Smith (J) to postpone further consideration of the bill, H. 121 as amended and with pending substitute, to the nineteenth legislative day, was tabled.

Yeas 62; Nays 29.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cooley, Cosby, Dial, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harvey, Johnson (R. G.),

Johnson (Roy), Laird, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Starkey, Stout, Venable, Ward, Whatley, Williams and Zoghby.

—62

Nays:

Reps. Adams (H), Amari, Bennett, Buskey, Clark (W), Coburn, Crow, Daniels, Dixon, Drinkard, Escott, Ford, Grouby, Harrison, Holley, Holmes, Horn, Kennedy, Langford, McKee, Nevett, Reed, Riddick, Smith (J), Smith (M), Stewart, Turnham, Warren and Wyatt.

—29

MOTION TO ADJOURN LOST

The motion offered by Rep. Howard that the House adjourn until 1:00 o'clock p. m., Tuesday, April 14, 1981, was lost.

Yeas 23; Nays 60.

Yeas:

Reps. Clark (G), Clark (W), Coburn, Crow, Daniels, Dixon, Escott, Harrison, Holley, Johnson (Roy), Kennedy, Langford, McMillan, Nevett, Penry, Reed, Riddick, Smith (J), Smith (M), Stewart, Warren, Williams and Wyatt.

—23

Nays:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Cooley, Cosby, Dial, Edwards, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holmes, Johnson (R. G.), Letson, Lewis, McKee, Minus, Mitchell, Naramore, Olive, Owens, Parker, Payne, Pegues, Rains, Ray, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Starkey, Stout, Turnham, Venable, Ward, Whatley and Zoghby.

—60

H. 121 RESUMED

SUBSTITUTE TABLED

The question was then on the substitute No. 2 offered by Rep. Smith (J) to the bill, H. 121 as amended, and on motion of Rep. Patton, the substitute was tabled.

Yeas 64; Nays 26.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cooley, Cosby, Dial, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Hall, Harper (O), Harper (T), Harvey, Johnson (R. G.), Johnson (Roy), Laird, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues,

REGULAR SESSION
18th Day

1055

Penry, Rains, Ray, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Starkey, Stout, Turner, Venable, Ward, Whatley, Williams and Zoghby.

—64

Nays:

Reps. Bennett, Buskey, Clark (W), Coburn, Crow, Daniels, Dixon, Drinkard, Escott, Grouby, Hammett, Harrison, Holley, Holmes, Horn, Kennedy, Langford, McKee, Nevett, Riddick, Smith (J), Smith (M), Stewart, Turnham, Warren and Wyatt.

—26

AMENDMENT OFFERED

Rep. Smith (J) offered the following amendment to the bill, H. 121 as amended:

On page 8, line 25, after the word "or" insert: Provided, however, a child charged with committing theft in the second degree shall not be transferred to criminal court.

AMENDMENT TABLED

On motion of Rep. Patton, the amendment offered by Rep. Smith (J) to the bill, H. 121 as amended, was tabled.

Yeas 63; Nays 28.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cooley, Cosby, Dial, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Hall, Harper (O), Harvey, Johnson (R. G.), Johnson (Roy), Laird, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stout, Trammell, Turner, Venable, Ward, Whatley, Williams and Zoghby.

—63

Nays:

Reps. Amari, Bennett, Buskey, Clark (W), Coburn, Crow, Daniels, Dixon, Drinkard, Escott, Grouby, Hammett, Harrison, Holley, Holmes, Horn, Kennedy, Langford, McKee, Nevett, Reed, Riddick, Smith (J), Smith (M), Stewart, Turnham, Warren and Wyatt.

—28

MOTION TO ADJOURN LOST

The motion offered by Rep. Escott that the House adjourn until 1:00 o'clock p. m., Tuesday, April 14, 1981, was lost.

Yeas 11; Nays 61.

Yeas:

Reps. Clark (W), Coburn, Crow, Howard, Kennedy, Smith (J), Smith (M), Stewart, Turner, Warren and Wyatt.

—11

Nays:

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Biddle, Blake, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cooley, Cosby, Dial, Edwards, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Johnson (R. G.), Kelley, Letson, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Starkey, Stout, Trammell, Venable, Ward, Whatley, Williams, Willis and Zoghby.

—61

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 263. To authorize county governing bodies to establish self-funded insurance groups for the purposes of providing workmen's compensation benefits for county officials and county employees; and providing health and accident benefits for county officials, county employees and the officials' and employees' dependent family members.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 218. COMMENDING COACH GENE BARTOW, UNIVERSITY OF ALABAMA, BIRMINGHAM.

Also:

H. J. R. 219. CONGRATULATING THE UNIVERSITY OF ALABAMA, BIRMINGHAM, BASKETBALL TEAM.

Also:

H. J. R. 220. COMMENDING GLENN MARCUS.

Also:

H. J. R. 217. DESIGNATES MAY 3 - 10, 1981 AS ALABAMA ALCOHOL AWARENESS WEEK.

Also:

H. J. R. 222. WELCOMING THE HONORABLE GEORGE BUSH TO THE STATE OF ALABAMA DURING HIS VISIT TO PARTICIPATE IN THE CENTENNIAL CELEBRATION OF TUSKEGEE INSTITUTE.

Also:

H. J. R. 226. COMMENDING MR. R. C. "DICK" THATCHER, JR., PRESIDENT OF STANDARD-COOSA-THATCHER COMPANY IN PIEDMONT, ALABAMA.

Also:

H. J. R. 227. EXPRESSING THE LEGISLATURE'S APPRECIATION FOR THE HOSPITALITY OF THOSE IN THE GADSDEN-ETOWAH COUNTY AREA OF OUR STATE.

Also:

H. J. R. 213. REQUESTING THE ALABAMA DEPARTMENT OF PUBLIC HEALTH TO SUSPEND ENFORCEMENT AND DELAY THE IMPLEMENTATION OF THE DEPARTMENT'S NEW REGULATIONS CONCERNING ONSITE SEWAGE DISPOSAL SYSTEMS.

Also:

H. J. R. 225. COMMENDING MR. J. MORELAND NIXON, JR., OF LIVINGSTON, ALABAMA, FOR OUTSTANDING MUNICIPAL SERVICE.

McDOWELL LEE,
Secretary.

H. 121 RESUMED

AMENDMENT OFFERED

Rep. Smith (M) offered the following amendment to the bill, H. 121 as amended:

On page 8, Section 12-15-34, on lines 24, 26 and 27. On line 24 strike the word "crime" and substitute the word "felony".

On line 26 and 27. Insert the words "The child is 14 or more years of age and is already under commitment to an agency department or institution as a delinquent"

AMENDMENT TABLED

On motion of Rep. Patton, the amendment offered by Rep. Smith (M) to the bill, H. 121 as amended, was tabled.

Yeas 55; Nays 20.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (W), Cooley, Cosby, Daniels, Gafford, Gilmer, Goodwin, Greer, Hall, Hammett, Harper (O), Harper (T), Harvey, Johnson (R. G.), Johnson (Roy), Laird,

Letson, McMillan, Minus, Naramore, Olive, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Stout, Turner, Turnham, Venable, Ward, Whatley, Willis and Zoghby.

—55

Nays:

Reps. Bennett, Buskey, Coburn, Crow, Drinkard, Escott, Grouby, Harrison, Holley, Holmes, Kennedy, Langford, Nevett, Reed, Smith (J), Smith (M), Stewart, Tucker, Warren and Wyatt.

—20

And the bill:

H. 121. To amend Section 12-15-1, Code of Alabama 1975, so as to remove felonies and violations of the conservation and natural resources laws from the definition of a delinquent act when committed by one 16 years of age or older; to amend Section 12-15-30, Code of Alabama 1975, so as to grant jurisdiction to the juvenile court of those offenses transferred to it by other courts; to amend Section 12-15-33, Code of Alabama 1975, so as to provide for the transfer of a child to the juvenile court from other courts unless the child has previously been convicted of a felony in the adult court or has been transferred to the adult court pursuant to the provisions of Section 12-15-34, Code of Alabama 1975; and, to amend Section 12-15-34, Code of Alabama 1975, so as to provide that a child 14 years of age or older may be transferred to the adult court for any crime, to provide that a finding of probable cause by the juvenile court in a transfer hearing held pursuant to this section shall preclude the necessity of a preliminary hearing in the adult court, and to further provide that the transfer of a child 14 years of age or older to the adult court shall terminate the jurisdiction of the juvenile court over such child.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 26.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cooley, Cosby, Crow, Dial, Gafford, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harvey, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Whatley, Willis and Zoghby.

—72

Nays:

Reps. Buskey, Clark (W), Coburn, Daniels, Dixon, Drinkard, Edwards, Escott, Grouby, Harrison, Holley, Holmes, Horn, Howard, Kennedy, Langford, McKee, Nevett, Reed, Riddick, Smith (J), Smith (M), Tucker, Turnham, Warren and Wyatt.

—26

CO-SPONSOR ADDED

Rep. Olive was added as co-sponsor to the bill, H. 121.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 660. Relating to Dallas County; amending Act No. 136, H. 119, 1967 Regular Session (Acts 1967, p. 187), which provides for the issuance of a pistol permit, so as to increase the fee for said permit.

Also:

H. 661. Relating to Dallas County; to provide for a continuous system of compensation for election officers.

Also:

H. 767. To provide certain service credit for supernumerary status for the tax assessor and tax collector of Lauderdale County; to provide for certain prerequisites for such credit and to provide that said county shall pay such employer costs as are necessary with respect to such employees subject to this act.

Also:

H. 804. To amend Act 81-139, relating to finance charges or taxes assessed against lands which are used for timber growing purposes and are located within Cleburne County, so as to rescind the provision for land sale under conditions that apply to satisfaction of ad valorem tax liens, and so as to provide that the Cleburne County Tax Collector will be responsible for making administrative rules and regulations, collecting funds, paying such funds to the Cleburne County Treasurer, and amending the effective date.

Also:

H. 685. Relating to Madison County; providing that it shall be unlawful for anyone to willfully throw or cast headlights or any rays of artificial light from any motor vehicle in any field, woodland or forest in an attempt to locate deer or any other wildlife with the exception of farmers who may do so while checking livestock on owned, leased or rented land; and providing for penalties.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Manley:

H. J. R. 228. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when we adjourn today, Wednesday, April 8, we adjourn to meet again on Tuesday, April 14; when we adjourn on Tuesday, April 14, we adjourn to meet again on Thursday, April 16; when we adjourn on Thursday, April 16, we adjourn to meet again on Tuesday, April 21; when we adjourn on Tuesday, April 21, we adjourn to meet

again on Wednesday, April 22; when we adjourn on Wednesday, April 22, we adjourn to meet again on Thursday, April 23; when we adjourn on Thursday, April 23, we adjourn to meet again on Tuesday, April 28; when we adjourn on Tuesday, April 28, we adjourn to meet again on Wednesday, April 29; when we adjourn on Wednesday, April 29, we adjourn to meet again on Thursday, April 30; when we adjourn on Thursday, April 30, we adjourn to meet again on Tuesday, May 5; when we adjourn on Tuesday, May 5, we adjourn to meet again on Wednesday, May 6; when we adjourn on Wednesday, May 6, we adjourn to meet again on Thursday, May 7; and when we adjourn on Thursday, May 7, we adjourn to meet again on Monday, May 18, all dates hereinabove stated being in the year 1981.

BE IT FURTHER RESOLVED That when we adjourn on Monday, May 18, 1981, we adjourn sine die.

On motion of Rep. Manley, the rules were suspended and the resolution, H. J. R. 228, was adopted.

Also:

By Rep. Grouby:

H. J. R. 229. HONORING DR. GARNER M. CLARK, PROMINENT ALABAMA RELIGIOUS AND CIVIC LEADER.

WHEREAS, Dr. Garner M. Clark is a native of Tuscaloosa, Alabama, who, for more than 30 years, has distinguished himself in religious and civic service to the citizens of Alabama; and

WHEREAS, Dr. Clark is a veteran of World War II who served under General George Patton and was awarded the Bronze Star and Presidential Citation; he is a graduate of New Orleans Theological Seminary and of Midwestern Bible College, where he obtained the degree of Doctor of Divinity, and he also studied additionally, on the graduate level, at both Howard College and the University of Alabama; and

WHEREAS, during his pastoral career, Dr. Clark has faithfully served Friendship Baptist Church of Tallassee, the Prattmont Baptist Church and Prattville's Crestview Baptist Church which he organized in 1957 and has pastored for the past 24 years; and

WHEREAS, each church under his guidance grew in membership, as did church facilities, and such growth continues at Crestview which now has some 2,000 members, assets of over \$700,000 and is the mother church for Camelia Baptist which was organized by Dr. Clark in 1975; and

WHEREAS, Dr. Clark also assumed numerous civic responsibilities while in Tallassee, including the organization of that city's first Civil Defense program, and was a member of the Royal Arch Masons, Chaplain of the American Legion, Director of the Red Cross and Scoutmaster at Friendship Community; and

WHEREAS, while in Prattville, he has served, since 1955, on the Autauga County Baptist Executive Board, has been president of the Ministerial Association and is a charter member and Chaplain of the Civitan Club; he currently serves as Moderator of the Autauga Missionary Baptist Association and on the Alabama State Executive Board as well; and

WHEREAS, Dr. Clark is listed in "Who's Who in Religion in America," "Who's Who in Alabama" and in the "Library of Alabama Lives"; he is a

member of numerous conservative and patriotic organizations and has been an advisor and friend to political leaders and officials at all levels of government and currently serves on the National Advisory Board of the American Security Council; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Dr. Garner M. Clark as a faithful servant of God, as one of our state's most prominent civic leaders and as a great and loyal American.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Dr. Clark on "Garner Clark Day" in Prattville, Alabama, as we join in tributes paid to him by his fellow citizens, parishioners and many, many friends.

On motion of Rep. Grouby, the rules were suspended and the resolution, H. J. R. 229, was adopted.

BILLS ON THIRD READING RESUMED

And the bill:

S. 112. To amend Sections 41-10-20 and 41-10-26 of the Code of Alabama 1975, relating to industrial development authorities, so as to authorize airport authorities organized pursuant to Chapter 3 of Title 4 of the Code of Alabama 1975, or whether created by general, special or local laws, or general laws of local application, if the authority governs an airport operated by a county and at least one municipality therein jointly, to be eligible recipients of funds and assistance from the state industrial development authority.

Was read a third time at length and passed.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Boles, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (W), Cooley, Cosby, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harvey, Holley, Holmes, Johnson (R. G.), Kelley, Laird, Langford, McKee, McMillan, Mitchell, Moore, Nevett, Olive, Owens, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Smith (J), Smith (M), Starkey, Stewart, Turner, Turnham, Venable, Ward, Warren, Williams, Wyatt and Zoghby.

—67

And the bill:

H. 41. (With Substitute): To provide for the recovery by the State of Alabama of the interest, penalties and legal expenses in connection with excess payments made to health care providers under the Medicaid Program; to provide for the distribution of said money, and to set a date for limitation of action.

Was taken up.

Rep. Bedsole offered the following substitute to the substitute reported by the Standing Committee on Ways and Means, said substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide for the recovery by the State of Alabama of interest in connection with excess payments made to health care providers under the State Medicaid program and to set a date for limitation of actions.

Be It Enacted by the Legislature of Alabama:

Section 1. No provider of services or goods contracting with the Medicaid Agency, an agency of the State of Alabama pursuant to the Medicaid Program of Title XIX of the "Social Security Act," 42 U. S. C. 301, as amended, shall, by deception, obtain or attempt to obtain payments from the State of Alabama, or any subdivision or fiscal agency thereof, to which the provider is not entitled pursuant to the provider agreement, or the rules of the federal government or the Medicaid Agency relating to the Medicaid Program. No provider shall knowingly receive payments to which the provider is not entitled, or knowingly receive payments in a greater amount than that to which the provider is entitled; nor shall any provider falsify any report or document required by state or federal law, rule or provider agreement relating to Medicaid payments. As used in this section, "deception" means knowingly deceiving another or causing another to be deceived, by any false or misleading representation, by withholding information, by preventing another from acquiring information, or by any other conduct, act, or omission which creates, confirms, or perpetuates a false impression in another, including a false impression as to law, value, state of mind, or other objective or subjective fact.

Section 2. Any provider who violates Section 1 shall, in addition to any other penalties provided by law, be liable for civil damages of payment of interest on the amount of the excess payments at the maximum interest rate being charged by the State Department of Revenue for delinquent state taxes on the date the payment was made, to the date upon which repayment is made to the State. Such interest shall be payable to the General Fund of the State.

Section 3. In addition to the civil penalties provided in Section 2, the Commissioner of the Medicaid Agency, upon the conviction of a felony or the entry of a judgment in a civil action against a Medicaid provider or an agent or officer of a provider, shall terminate the provider agreement and stop reimbursement to the provider for services rendered from the date of conviction or judgment entry. The termination provided for under this section does not preclude termination by any other means.

Section 4. Any person or firm contracting with the State of Alabama who, without intent to deceive, obtains payments from the State of Alabama in excess of the amount to which the person or firm is entitled, shall be liable for repayment of the excess payments and payment of interest on the amount of excess payments at the maximum interest rate being charged by the State Department of Revenue for delinquent state taxes beginning on the fifth day after notification by the Medicaid Agency. This interest rate will be in effect for fifteen (15) days. If payment is not received by the Medicaid Agency within twenty (20) days after notification then a penalty of fifty dollars (\$50.00) per day can be charged to the provider by the State Agency. This section shall not apply in any instance wherein the excess payment is a result of an administrative error by the State or its agent.

Section 5. All actions against health care providers for liability under the provisions of this Act must be commenced within three years next after the act giving rise to the excessive payment, and not afterwards, provided, that if the cause of action is not discoverable and could not reasonably have been discovered within such period, then the action may be commenced within six months from the date of such discovery or the date of discovery of facts which could reasonably lead to such discovery, whichever is earlier.

Section 6. The provisions of this Act are hereby declared to be severable. Should any section or provision of this Act be held invalid or unenforceable for any reason by any court, the said holding shall not invalidate or render unenforceable the remaining sections or provisions hereof.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Albright, Amari, Bedsole, Bennett, Biddle, Blake, Boles, Brakefield, Cabaniss, Cheatwood, Clark (W), Cooley, Crow, Daniels, Dixon, Edwards, Escott, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Harvey, Horn, Kelley, Laird, Langford, Lewis, McKee, McMillan, Mitchell, Nevett, Olive, Owens, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Smith (C), Starkey, Stewart, Venable, Waggoner, Ward, Warren, Wyatt and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolutions, your signature thereto is requested:

S. 152. To amend Section 2 of Act No. 80-583, S. 453, Regular Session 1980 (Acts 1980, p. 896) in order to clarify the term of officer for the additional district judgeship in Tuscaloosa County.

Also:

S. 281. Relating to Mobile County; to exempt Mobile County from the provisions of any Act of the 1981 Regular Session of the Alabama Legislature increasing the salaries of state troopers or any other employee of the Alabama Department of Public Safety.

Also:

S. J. R. 120. WISHING A SPEEDY RECOVERY FOR SENATOR DOUG COOK.

Also:

S. 263. To authorize county governing bodies to establish self-funded insurance groups for the purposes of providing workmen's compensation

benefits for county officials and county employees; and providing health and accident benefits for county officials, county employees and the officials' and employees' dependent family members.

Also:

S. 463. Relating to Shelby County: To authorize the Board of Health of said County to fix a schedule of fees for services rendered pursuant to the duties with which the Board is charged and to provide for the approval of such fee schedule by the County Commission of Shelby County, Alabama.

Also:

S. J. R. 124. COMMENDING MISS PAMELA LEAH LOVE, ALABAMA'S 1981 MAID OF COTTON.

Also:

S. J. R. 125. EXPRESSING CONCERN FOR THE CITIZENS OF HURTSBORO, ALABAMA.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

H. 41 RESUMED

AMENDMENT OFFERED

Rep. Harrison offered the following amendment to the bill, H. 41 as amended:

Amend H. B. 41 on page 2, Section 4, line 22 by striking the following: Fifty dollars (\$50.00) and inserting in lieu thereof, the following: one hundred (\$100.00)

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Bedsole, Blake, Bowling, Buskey, Cabaniss, Carter, Cheatwood, Clark (W), Coburn, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Greer, Grimsley, Hall, Harper (O), Harrison, Holley, Holmes, Horn, Johnson (R. G.), Langford, McMillan, Minus, Olive, Owens, Payne, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Smith (M), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Wyatt and Zoghby.

And the bill:

H. 41. To provide for the recovery by the State of Alabama of interest in connection with excess payments made to health care providers under the State Medicaid program and to set a date for limitation of actions.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (W), Coburn, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harrison, Harvey, Holley, Holmes, Horn, Johnson (R. G.), Laird, Langford, Lewis, McKee, McMillan, Minus, Moore, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Smith (M), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Wyatt and Zoghby.

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REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 213. REQUESTING THE ALABAMA DEPARTMENT OF PUBLIC HEALTH TO SUSPEND ENFORCEMENT AND DELAY THE IMPLEMENTATION OF THE DEPARTMENT'S NEW REGULATIONS CONCERNING ONSITE SEWAGE DISPOSAL SYSTEMS.

Also:

H. J. R. 217. DESIGNATES MAY 3 - 10, 1981 AS ALABAMA ALCOHOL AWARENESS WEEK.

Also:

H. J. R. 218. COMMENDING COACH GENE BARTOW, UNIVERSITY OF ALABAMA, BIRMINGHAM.

Also:

H. J. R. 219. CONGRATULATING THE UNIVERSITY OF ALABAMA, BIRMINGHAM, BASKETBALL TEAM.

Also:

H. J. R. 220. COMMENDING GLENN MARCUS.

Also:

H. J. R. 222. WELCOMING THE HONORABLE GEORGE BUSH TO THE STATE OF ALABAMA DURING HIS VISIT TO PARTICIPATE IN THE CENTENNIAL CELEBRATION OF TUSKEGEE INSTITUTE.

Also:

H. J. R. 225. COMMENDING MR. J. MORELAND NIXON, JR., OF LIVINGSTON, ALABAMA, FOR OUTSTANDING MUNICIPAL SERVICE.

Also:

H. J. R. 227. EXPRESSING THE LEGISLATURE'S APPRECIATION FOR THE HOSPITALITY OF THOSE IN THE GADSDEN-ETOWAH COUNTY AREA OF OUR STATE.

Also:

H. J. R. 226. COMMENDING MR. R. C. "DICK" THATCHER, JR., PRESIDENT OF STANDARD-COOSA-THATCHER COMPANY IN PIEDMONT, ALABAMA.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 660. Relating to Dallas County; amending Act No. 136, H. 119, 1967 Regular Session (Acts 1967, p. 187), which provides for the issuance of a pistol permit, so as to increase the fee for said permit.

Also:

H. 661. Relating to Dallas County; to provide for a continuous system of compensation for election officers.

Also:

H. 685. Relating to Madison County; providing that it shall be unlawful for anyone to willfully throw or cast headlights or any rays of artificial light from any motor vehicle in any field, woodland or forest in an attempt to locate deer or any other wildlife with the exception of farmers who may do so while checking livestock on owned, leased or rented land; and providing for penalties.

Also:

H. 767. To provide certain service credit for supernumerary status for the tax assessor and tax collector of Lauderdale County; to provide for certain prerequisites for such credit and to provide that said county shall pay such employer costs as are necessary with respect to such employees subject to this act.

REGULAR SESSION
18th Day

1067

Also:

H. 804. To amend Act 81-139, relating to finance charges or taxes assessed against lands which are used for timber growing purposes and are located within Cleburne County, so as to rescind the provision for land sale under conditions that apply to satisfaction of ad valorem tax liens, and so as to provide that the Cleburne County Tax Collector will be responsible for making administrative rules and regulations, collecting funds, paying such funds to the Cleburne County Treasurer, and amending the effective date.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 1:50 P. M. on April 8, 1981.

H. 102.

H. 549.

H. 438.

H. 573.

H. 641.

H. 642.

H. 643.

H. 745.

Delivered to the Governor at 4:10 P. M. on April 8, 1981.

H. J. R. 213.

H. J. R. 217.

H. J. R. 218.

H. J. R. 219.

H. J. R. 220.

H. J. R. 222.

H. J. R. 225.

H. J. R. 227.

H. J. R. 226.

H. 660.

H. 661.

H. 685.

H. 767.

H. 804.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Reed and pursuant to the resolution, H. R. 224, heretofore adopted, the House adjourned until 1:00 o'clock p. m., Tuesday, April 14, 1981.

Yeas 42; Nays 23.

Yeas:

Mr. Speaker, Adams (H), Albright, Buskey, Cabaniss, Campbell, Cheatwood, Clark (W), Coburn, Daniels, Dixon, Drinkard, Escott, Ford, Goodwin, Grimsley, Grouby, Harper (O), Harrison, Harvey, Holley, Horn, Laird, McMillan, Minus, Moore, Nevett, Owens, Parker, Penry, Ray, Reed, Roberts, Sandusky, Sasser, Shoemaker, Trammell, Turner, Venable, Warren, Whatley and Wyatt.

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Nays:

Adams (C), Bedsole, Biddle, Blake, Bowling, Brakefield, Carter, Cates, Gafford, Greer, Hall, Holmes, Johnson (R. G.), Langford, Olive, Payne, Rains, Riddick, Seibels, Smith (J), Smith (M), Starkey and Zoghby.

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NINETEENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, April 14, 1981

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Representative Charles Adams, Lay Speaker, Phenix City, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss,

Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eighteenth legislative day and finds the same to be correct.

JACK BIDDLE, III,
Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the eighteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the eighteenth legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Goodwin, leave of absence was granted for Rep. Starkey, due to a death in the family.

At the request of Rep. Manley, leave of absence was granted for Rep. Hines, due to illness.

RESOLUTION

The following resolution was introduced:

By Rep. Manley:

H. R. 230. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn on Tuesday, April 14, 1981, we adjourn to meet again on Thursday, April 16, 1981, at 10:00 A.M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 230, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Biddle, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report with substitute:

S. J. R. 121. CREATING A JOINT INTERIM COMMITTEE TO INVESTIGATE THE FEASIBILITY OF CREATING A PERPETUAL INTEREST FUND FOR THE WINDFALL STATE OIL LEASE REVENUES.

Said substitute being as follows:

CREATING A JOINT INTERIM COMMITTEE TO INVESTIGATE THE FEASIBILITY OF CREATING A PERPETUAL INTEREST FUND AND ANY OTHER INVESTMENTS AND/OR EXPENDITURES FOR THE WINDFALL STATE OIL LEASE REVENUES

WHEREAS, The State of Alabama finds a unique opportunity in the large windfall accruing to the state from its recent oil leases; and

WHEREAS, no legislature in the history of Alabama has had the opportunity to address the critical needs of the state without imposing burdensome taxes upon the people; and

WHEREAS, the possibility exists of placing the revenues of the oil leases in a perpetual interest fund and/or other investments; and

WHEREAS, it is the responsibility of this Legislature to carefully and wisely weigh the alternatives of expending these oil lease revenues; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint interim legislative committee be established, consisting of seven (7) members of the Senate and seven (7) members of the House appointed by the Presiding Officer in each House, to investigate the feasibility of establishing a perpetual interest fund and any other investment and/or expenditures that would prove to be to the best interest of the taxpayers in the State of Alabama; and to report back to the Legislature its findings no later than May 5, 1981.

BE IT FURTHER RESOLVED, That this interim committee meet with the leaders of state agencies responsible for mental health, prisons, education, spokesmen of these fields and representatives of banks and all other financial institutions to determine the best possible method of investing and expending these funds.

BE IT FURTHER RESOLVED, That due to the brief time available for this committee that the public be notified in advance of any meeting of this committee and contact committee members if they wish to appear and express their views.

On motion of Rep. Biddle, the substitute was adopted.

On motion of Rep. Biddle, the resolution, S. J. R. 121 as amended, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Biddle, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

S. J. R. 119. CONGRATULATING THE UNIVERSITY OF ALABAMA AT HUNTSVILLE, NAIA BASKETBALL FINALISTS.

On motion of Rep. Biddle, the resolution, S. J. R. 119, was adopted.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 231.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special and paramount order of business April 14, 1981, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

By Rep. Smith (M):

H. 512 P. 49 Capitol security officers

By Rep. Turnham:

H. 607 p. 109 Licensing contractors

By Rep. Gafford:

H. 287 p. 3 Extend provisions of Act 738

By Rep. Turner:

H. 542 p. 101 Dealing with wood energy

By Rep. Biddle:

H. 805 p. 126 Deputy game wardens

By Mr. Cook:

S. 197 p. 123 Surface Mining Reclamation

By Rep. Bennett:

H. 20 p. 23 Public employees payroll deductions

By Rep. Pegues:

H. 742 p. 92 Labeling honey

By Rep. Adams (C):

H. 60 p. 45 Highway Dept. to self insure

By Rep. Bedsole:

H. 481 p. 55 Standard insurance forms

By Rep. Boles:

H. 464 p. 25 Medal of honor tags

By Rep. Dixon:

H. 657 p. 94 Board of Dental Examiners

By Rep. Cosby:

H. 662 p. 109 Local Housing Authorities

By Rep. Crow:

H. 282 p. 6 ABC retired officers

By Rep. Gregg:

H. 806 p. 121 Referendum

By Rep. Payne:

H. 406 p. 61 Hand guns

By Rep. Sasser:

H. 363 p. 47 Parole officers, annuity

By Rep. Johnson (R. G.):

H. 732 p. 90 Health care facilities, rates

By Rep. Cates:

H. 195 p. 74 Teacher retirement

By Rep. Williams:

H. 556 p. 61 Short barrel shot guns

By Rep. Roberts:

H. 359 p. 24 Fireworks

By Rep. Manley:

H. 676 p. 110 County engineers

By Mr. Little:

S. 29 p. 89 Smoke detectors

By Rep. McMillan:

H. 586 p. 56 Airboats

By Rep. Johnson (R. G.):

H. 802 p. 95 Hospitals, confidentiality

By Rep. Whatley:

H. 73 p. 32 Sub-agricultural experiment stations

By Mr. Goodwin:

S. 116 p. 85 Airport Authorities

By Rep. Ward:

H. 553 p. 52 Modular Housing Division, A.D.O.

By Rep. Cabaniss:

H. 237 p. 29 Medicare supplement

By Rep. Holley:

H. 6 p. 8 Capitol Complex

By Rep. Gafford:

H. 362 p. 57 Movement of trains, emergencies

By Rep. Stewart:

H. 349 p. 56 Movement of trains, etc., disasters

By Rep. Smith (J):

H. 372 p. 31 Sale of livestock

By Reps. Kennedy:

H. 559 p. 81 Child abuse

By Rep. Amari:

H. 159 p. 131 Licensing, occupational therapy

By Rep. Langford:

H. 691 p. 83 Additional Circuit Judgeship

By Rep. Cooley:

H. 724 p. 82 Commitment hearings

By Rep. Harper (O):

H. 373 p. 42 Municipal corporations

By Rep. Albright:

H. 19 p. 96 Collectors' liquor bottles

By Rep. Lewis

H. 218 p. 20 Health reports

By Rep. Sasser:

H. 640 p. 97 Warrants, interest rates

By Rep. Cates:

H. 781 p. 121 Bonds, interest rates

By Rep. Clark (G):

H. 380 p. 57 Statewide local privilege or excise tax

By Rep. Bowling:

H. 422 p. 64 Garnishment, child support

By Rep. Bowling:

H. 423 p. 64 Paternity suits

By Rep. Hammett:

H. 2 p. 105 Educational TV, merit system

By Rep. Greer:

H. 717 p. 86 Raise speed limits

By Rep. Crow:

H. 513 p. 35 Nonresident licenses, hunting

By Rep. Minus:

H. 786 p. 107 Divorce, allowances

By Rep. Hall:

H. 111 p. 94 Casting lights from motor vehicle

By Rep. Harper (T):

H. 411 p. 55 Commercial oyster licenses

By Rep. Harper (T):

H. 624 p. 116 Saltwater gill and trammel net fees

By Rep. Penry:

H. 637 p. 114 Commercial crab catcher's license

By Rep. Penry:

H. 638 p. 115 Single seafood business licenses

By Rep. Cosby:

H. 758 p. 100 Aircraft, sales tax exemption

By Rep. Hammett:

H. 3 p. 7 Motor Carrier Act

By Rep. Parker:

H. 646 p. 67 Barbers Board

By Mr. Vacca:

S. 144 p. 119 Zoning ordinances

By Rep. Smith (J):

H. 369 p. 15 County governing bodies

By Rep. Cates:

H. 321 p. 22 Bank reserves

By Rep. Ford:

H. 57 p. 10 National guard

By Rep. Letson:

H. 63 p. 4 Commercial fertilizer

By Rep. Letson:

H. 65 p. 4 Public warehouses, fees

By Rep. Sandusky:

H. 419 p. 120 Highway Dept. markers and signs

By Rep. Sandusky:

H. 442 p. 120 Highway Dept. commercial activity

On motion of Rep. Biddle, the resolution, H. R. 231, was adopted.

BILLS ON SECOND READING

Rep. Holley, Chairman of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 647. (With Substitute): Relating to the reorganization and structure of the Public Service Commission; relating to the further regulation of public utilities; defining terms; providing further for the public utilities generally, their rates, services and operations; creating the office of director of the Public Staff Agency, defining his duties, powers, jurisdiction and benefits; creating the Public Staff Agency; prescribing the powers, duties, and jurisdiction for such agency; providing for its personnel, their duties as consumer advocates, authority, compensation and benefits; providing that the commissioners shall be physically separated from the agency; prescribing the manner and procedures for hearings and appeals; providing for judicial procedures, keeping of records and reporting; providing for the duties and powers of the commissioners as these relate to public utilities; providing for administering of oaths; granting the jurisdiction and powers of a court of general jurisdiction for certain agency staff and the commissioners; providing for exceptions to orders; prescribing evidentiary procedures and matters for stipulation; prohibiting certain communications and contacts; providing responsibility for burden of proof; transferring all functions, duties, jurisdiction, authority, property, funds, documents, files, of whatsoever nature in the office of the Attorney General, relating to public utilities, pursuant to Sections 37-1-16 through 37-1-18 of the Code of Alabama 1975 to the Public Staff Agency; creating the Legislative Oversight Committee on Utilities, prescribing its membership, duties and jurisdiction; prescribing for the selection and appointment of the director and chief hearing examiner; amending Sections 37-1-5, 37-1-31, 37-1-32, 37-1-38, 37-1-39, 37-1-40, 37-1-41, 37-1-42, 37-1-43 and 37-1-44 of the Code of Alabama 1975, so as to include the director or agency, as the case may be; restoring criminal penalties for intentionally misleading a public servant and falsification; preserving rights and laws not affected by the reorganization; providing the provisions of this Act are cumulative except where it is in conflict or inconsistent; providing for severability and effective date.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 873. Relating to Lamar County; to establish a special fund in the county treasury to pay a bounty on beaver trapped or killed in Lamar County; to provide for the administration of said fund and bounty system.

H. 883. Relating to Marion County; to authorize the County Board of Education to meet the last week in June and to set the salary of the Superintendent of Education.

H. 885. To amend Section 1 of Act No. 2376, H. 228, 1971 Regular Session (Acts 1971, p. 3805), relating to pistol permit fees in Marion County so as to provide further for the amount and disposition of such fees.

H. 896. Relating to Geneva County; providing further for the compensation of the coroner and repealing Act No. 56, H. 96, 1959 Regular Session (Acts 1959, p. 223).

H. 897. Relating to Geneva County; amending Act No. 75, H. 44, 1967 Regular Session, (Acts 1967, p. 107), so as to increase the fee for issuance of pistol permits.

H. 901. Relating to Baldwin County; directing and requiring Baldwin County Commission to provide for the holding of an advisory election relative to the levying of an additional sales tax to be distributed to the County Board of Education of the said County and used for certain specified public school purposes.

H. 483. To authorize the Wilcox County Commission to levy an additional privilege or license tax on persons, firms and corporations, selling, distributing or delivering wine to retailers in Wilcox County; providing for the assessment, collection and distribution of the proceeds of the tax; authorizing the adoption and promulgation of rules and regulations therefor by the county commission of said county; defining violations of the act and prescribing penalties therefor.

S. 506. To exempt the Chattahoochee Valley Hospital Society from the payment of all county and municipal sales and use taxes.

S. 507. Relating to Chambers County; providing for an additional allowance for election officials who work at polling places.

S. 547. Relating to Randolph County; providing for an additional allowance for election officials who work at polling places.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2 reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 811. A bill to supplement the salaries of the Circuit Judges of the Tenth Judicial Circuit.

H. 748. To amend Section 8 of Act No. 2079 of the Regular Session of 1971 (Ala. Acts, 1971, pp. 3335-3350) which provides for the incorporation of a municipal parking authority in any city of the State having a population of 300,000 or more.

H. 702. To repeal Act No. 104, 1964 Regular Session (Acts of 1964, p. 166), and Act No. 129, 1965 Regular Session (Acts of 1965, p. 194), which relate to certain expense allowances for members of city governing bodies having a population of 300,000 or more according to the last federal census.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 707. (With Amendments): To provide members of the City of Birmingham's governing body with an expense allowance for attending business of the city within the municipal corporate limits.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 843. (With Amendment): To grant to the City of Bessemer the right to demolish unsafe buildings; and to provide further for the following: The procedure for a determination of the ownership of the real property or building and notice of a hearing; the procedure for holding the hearing before the city governing body; the procedure for appeal to the circuit court; the right of the city to obtain a lien for the cost of demolition; the authority to assess against property sold to the State of Alabama for taxes; the method of collection of assessments.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Smith (J) (With Notice and Proof):

H. 902. To authorize a procedure whereby the Sheriff of Madison County, Alabama is authorized to offer for public auction to the highest bidder for cash abandoned and stolen personal property which has been recovered by the Sheriff's Department of Madison County and stored by said Department but which has been unclaimed after six (6) months; to provide that such auctions are to be made after notice of the time and place thereof shall have been given publication once a week for two weeks in a newspaper of general circulation published in Madison County, Alabama or by posting in a conspicuous place at the Madison County Courthouse; to provide that the first publication or posting of said notice shall be twenty days before the said auction; to provide a procedure for the conduct of said auction; to provide that the owner of any of the abandoned or stolen property recovered and stored by the Sheriff of Madison County, Alabama may redeem the same at anytime prior to its sale by paying any reasonable storage or maintenance costs incurred and a pro rata cost of publication and further providing that after deducting and paying all expenses incurred in storing or auctioning the said property, all proceeds from the sale of said property shall be paid into the general fund of Madison County, Alabama.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 902, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Smith (J) (With Notice and Proof):

H. 903. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of NEW HOPE IN MADISON COUNTY, ALABAMA.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 903, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turner (With Notice and Proof):

H. 904. To alter or rearrange the boundary lines of the Town of Creola, Mobile, County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Mobile County, Alabama; to provide for assessing for ad valorem taxation the property added to the Town of Creola when certain services are rendered to the property owners and persons residing therein or are made available to them; to describe the services to be rendered and to exempt from taxation property added to the Town of Creola by the extension of its boundaries when such services are not available or rendered.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 904, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turner (With Notice and Proof):

H. 905. Relating to Mobile County; to prohibit the possession of certain firearms on parts of the Escatawpa River.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 905, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Harper (O) (With Notice and Proof):

H. 906. Relating to Tallapoosa County; providing for an additional allowance for election officials who work at polling places.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 906, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Waggoner, Bennett and Cabaniss (With Notice and Proof):

H. 907. To approve and authorize the Jefferson County Commission of Jefferson County to increase the rate at which ad valorem taxes are levied in the Jefferson County School District for public school purposes in the District, pursuant to the election in said District held on February 11, 1969, under the Jefferson County Consolidation School Tax Amendment of the Alabama Constitution (Amendment No. 82) from 88¢ to \$1.38 on each \$100 of taxable property in the Jefferson County School District (consisting of all

areas of Jefferson County outside of the municipalities of Birmingham, Bessemer, Fairfield, Mountain Brook, Homewood, Vestavia Hills, Tarrant City and Midfield), the proceeds of said tax to be used for public school purposes in said School District, and to continue each year to and including the tax year ending September 30, 1995; subject, however, to the approval of the qualified electors residing in said Jefferson County School District who vote on the proposal at a special election.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 907, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Owens:

H. 908. To authorize municipal corporations to levy additional fees and to provide for the use of said fees.

Ways and Means.

By Reps. Ward, Whatley and Turnham (With Notice and Proof):

H. 909. To authorize the governing body of Lee County, Alabama, to levy and collect special county privilege and license taxes, generally paralleling the state sales taxes provided for in Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, and special county excise taxes generally paralleling the state use taxes provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; to specify the rates at which such taxes may be levied; to provide for the ascertainment, collection, payment, distribution and use of the proceeds of the said taxes if levied by the said governing body, and for the enforcement of this act by the State Department of Revenue; to specify the maximum duration for which any such taxes may be levied; and to prescribe penalties and fix punishment for violations of this act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 909, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Bedsole (With Notice and Proof):

H. 910. Relating to Mobile County; providing for the reapportionment of the Mobile County Board of School Commissioners to consist of seven members, five who shall be elected from the House Districts or portions thereof which are located within the boundaries of Mobile County and two elected at large; providing for election and length of term for the new commissioners.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 910, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Langford (With Notice and Proof):

H. 911. To provide that the operation of bingo games for prizes or money only by qualified organizations for bona fide charitable, educational, or other lawful purposes shall be legal in Montgomery County; to provide for permits or licenses, applications, forms and contents to operate bingo, to provide for special permits or licenses, to prohibit certain activities and impose special requirements; to provide for fees and expenses; to provide for the disposition of proceeds; to provide for the operation of bingo; to provide for the keeping of records and their inspection; to provide for the issuance and revocation of permits or licenses; to provide for supervision by the circuit court; to provide for certain powers and duties of the sheriff; to provide for penalties and forfeitures; and to provide that this act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing bingo in Montgomery County, and approved at a referendum on the subject in the county; provided, however, if said amendment is approved by a majority of the voters casting ballots thereon in Montgomery County, no further referendum is needed.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 911, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Langford:

H. 912. Proposing an amendment to the Constitution of 1901; relating to legalizing the operation of bingo games for prizes or money by certain non-profit organizations for charitable or educational purposes in Montgomery County.

Local Legislation No. 4.

The above bill was read a first time at length as required by the Constitution.

By Rep. Langford (With Notice and Proof):

H. 913. Relating to Montgomery County; providing for the compensation of the sheriff.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 913, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Sasser and Grimsley (With Notice and Proof):

H. 914. Relating to Henry County, to change the method of compensating the judge of probate; to fix such compensation; to provide that fees, commissions, allowances, percentages and other charges heretofore collected for the use of the judge of probate shall be collected and paid into the general fund of the county; and to make provision for the personnel, quarters and supplies for the probate office.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 914, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Sasser and Grimsley:

H. 915. Proposing an amendment to the Constitution of Alabama, 1901, relative to the fees and compensation of the judge of probate of Henry County.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Reps. Mitchell, Roberts and Bedsole:

H. 916. This bill amends Section 6-5-462 so as to provide that all claims not of an equitable nature (except for injury to the reputation) survive in favor of and against personal representatives.

Judiciary.

By Rep. Zoghby:

H. 917. To repeal Sections 15-19-1 through 15-19-7 of the Code of Alabama 1975, relating to youthful offenders.

Judiciary.

By Rep. Zoghby:

H. 918. Relating to juvenile proceedings; providing for disclosure to the public of certain information concerning adjudication of crimes committed by minors or children.

Judiciary.

By Rep. Zoghby:

H. 919. To provide additional penalties for persons using a firearm while committing or attempting to commit certain crimes.

Judiciary.

By Reps. Cooley and Bowling (With Notice and Proof):

H. 920. Amending Section 6 of Act No. 573, S. 391, 1976 Regular Session (Acts 1976, p. 780), relating to the revenue commissioner of Cullman County, so as to provide further for the compensation and the retirement of such official.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 920, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Cooley and Bowling (With Notice and Proof):

H. 921. Relating to Cullman County; to provide for an additional expense allowance for election officials of said county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 921, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Cooley and Bowling (With Notice and Proof):

H. 922. Relating to Cullman County; to approve and validate the amount of certain expenditures paid to the circuit clerk.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 922, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Whatley:

H. 923. To amend Section 2-8-161 and 2-8-170, Code of Alabama 1975, relating to the promotion of eggs and egg products, so as to require sellers of hens to collect an assessment upon the sale of hens for promotional programs.

Agriculture and Forestry.

By Reps. Whatley, Willis and Warren:

H. 924. To require the Department of Conservation and Natural Resources to issue use permits to the Agricultural Experiment Station for use in collecting certain game and fish for research purposes.

Natural Resources.

By Rep. Harper (T):

H. 925. To make a supplemental appropriation to the Alabama Firefighters' Personnel Standards and Education Commission Fund, for the current fiscal year, for administration and certain reimbursement costs to municipal departments related to training firefighters; to provide that such appropriation shall be made from the general fund of the state treasury; and to prescribe the manner such funds shall be allocated.

Ways and Means.

By Reps. McMillan and Harper (T):

H. 926. To amend further Section 9-17-13 of the Code of Alabama, 1975, relating to the integration of separately owned tracts of land and development of same in drilling units.

Natural Resources.

By Reps. Cooley and Bowling (With Notice and Proof):

H. 927. Relating to taxation in Cullman County; levying an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1

through 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and repealing a sales tax heretofore levied and collected by the City of Cullman.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 927, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Daniels:

H. 928. Relating to franchise agreements between retailers engaged in the business of selling and retailing farm implements, machinery, utility and industrial equipment, attachment or repair parts, and wholesalers, manufacturers or distributors therefor; requiring repurchase of certain inventory, stock and equipment from such retailers upon termination of a contract between the retailer and wholesalers, manufacturers, or distributors, as the case may be, providing procedures for such repurchase; establishing limitations and rights upon such repurchase; providing civil liability for failure to repurchase; extending the right to require repurchase option to the heirs of retailers; providing for warranty claims; providing for contractual rights and indemnification; providing for auditing and prescribing time limits therefore and for collections.

Agriculture and Forestry.

By Rep. Patton:

H. 929. To make an absolute appropriation of \$4,000,000 to the Department of Youth Services for the fiscal year ending September 30, 1982, for capital outlay purposes.

Ways and Means.

By Rep. Kelley (With Notice and Proof):

H. 930. To alter, rearrange and extend the boundary lines and corporate limits of the town of Grant, Alabama.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 930, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Waggoner:

H. 931. To provide that fees may be charged and collected from time to time for the privilege of obtaining or using certain credit cards, or certain other open end credit plan, that entitles the user: (a) to purchase or lease goods or services from at least 25 persons, or (b) to obtain loans or other extensions of credit from time to time from one or more persons, or (c) to do both; to provide that such fees shall not constitute finance charges or interest for any purpose; to provide that the provisions of this act are cumulative and

are not in derogation of other rights; and to provide for severability, the repeal of conflicting laws or parts of laws and for the effective date of this act.

Banking.

By Rep. Waggoner:

H. 932. To allow certain employees of the office of district attorneys to elect to enroll as members in the Alabama employees' retirement system for a certain period; and to exempt such employees from the mandatory requirement for participation of Section 36-27-4 of the Code of Alabama 1975; and to prescribe for an expiration date for the provisions of this act.

Ways and Means.

By Rep. Waggoner (With Notice and Proof):

H. 933. Relating to Shelby County; to levy and collect special county privilege license and excise taxes paralleling the state sales and use taxes provided for in Chapter 23 of Title 40, Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the state revenue department; providing for the distribution and use of the proceeds including the pledging of such proceeds to the payment of obligations; and providing penalties for violations of this act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 933, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

RESOLUTIONS

The following resolution was introduced:

By Rep. Bennett:

H. J. R. 232. EXPRESSING SUPPORT FOR FORMER FBI OFFICIALS.

WHEREAS, During the early 1970s a group of radical terrorists who embraced the overthrow of the United States government known as the Weathermen claimed responsibility for a series of explosions in public buildings protesting American foreign policy, and

WHEREAS, Over 50 such bombings credited to the Weathermen rocked public facilities including the U. S. Capitol, the Pentagon, the State Department and a number of university buildings from California to Massachusetts killing two persons and causing numerous injuries and millions of dollars in property damage, and

WHEREAS, For their efforts to infiltrate the underground organization, W. Mark Felt and Edward S. Miller, the Federal Bureau of Investigation's former number 2 and 3 men, were charged four years later with ordering illegal searches of the homes of known Weathermen associates, and

WHEREAS, At the time of the investigations in 1972 and 1973, FBI policy authorized such searches, and

WHEREAS, The Justice Department charges against Felt and Miller were not brought until after new rules were adopted in 1976 and 1980 requiring prior approval of the Attorney General and later the President, and

WHEREAS, Both Felt and Miller were found guilty of conspiracy on November 6, 1980 which case is now on appeal, and

WHEREAS, The FBI has had authority to conduct national security investigations since Franklin Roosevelt directed the agency to find Nazi spies in 1939, and

WHEREAS, While Felt and Miller were charged, the man who authorized them to order such searches, former FBI Director Patrick Gray, has been cleared; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it finds the expo facto treatment of Felt and Miller by the Justice Department contrary to recognized judicial procedure and not in the best interest of justice, and

BE IT FURTHER RESOLVED that President Reagan is hereby requested to take whatever steps are deemed necessary to clear the names of the two former FBI officials including a possible presidential pardon.

The resolution, H. J. R. 232, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Smith (J):

H. R. 233. COMMENDING MR. ADRIAN GIBSON FOR PROFESSIONAL ACHIEVEMENT IN THE AREA OF BROADCAST JOURNALISM.

Also:

The following resolutions were introduced:

By Rep. Albright.

H. J. R. 234. COMMENDING MR. THOMAS WHEELER CARTEE.

WHEREAS, Mr. Thomas Wheeler Cartee who is employed with South Central Bell is also a friend and associate of many members of the Legislature: and

WHEREAS, held in high regard by all those with whom he has worked, Tommy Cartee also is much admired by those who are aware of his courage and determination in the face of adversity for the past two and one-half years; and

WHEREAS, stricken by a heart attack at the age of just 28, Tommy Cartee underwent by-pass surgery in January 1979, and then, in August of 1979, was accepted as a heart transplant patient by the Medical College of Virginia in Richmond; and

WHEREAS, following this rare and successful surgery, Mr. Cartee has of course faced anticipated set-backs and threats of rejection but he has time and again, in great spirit of will, fought back to regain his health; and

WHEREAS, Tommy Cartee, who is a member of the Baptist Church, has been sustained by his deep faith and through the loving support of his wife, Debbie, and their two children, of his other family members as well as all of us who know and wish him well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend all good wishes to Mr. Thomas Wheeler Cartee and express our deep admiration for a friend we hold in warm regard.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Cartee that he and his family may know of our sincere praise, admiration and esteem.

On motion of Rep. Albright, the rules were suspended and the resolution, H. J. R. 234, was adopted.

Also:

By Rep. Letson:

H. J. R. 235. URGING THAT FIRST PRIORITY USE OF ALABAMA'S "WINDFALL" OIL AND GAS LEASE MONIES BE FOR REPAYMENT TO THE SEVERAL COUNTIES IN ALABAMA FOR EXPENSES INCURRED FOR THE HOUSING OF STATE PRISONERS IN COUNTY JAILS.

WHEREAS, as a result of a Federal Court order limiting the number of inmates in our state prisons, it continues necessary for many state prisoners to be incarcerated in the various county jails until such time as the prison population decreases sufficiently to allow their transfer to state facilities; and

WHEREAS, little or no reimbursement has been made by the state to the counties for the costs incurred for housing, feeding and clothing and for providing medical care for these state prisoners; and

WHEREAS, though the exact amount is unknown, it involves a sum of some several millions of dollars, a legitimate state expense that counties in Alabama can ill afford to bear during these times of economic crises; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is the consensus of this body that the above mentioned county-incurred costs are legitimate state expenses for which the counties must be reimbursed, and that first priority use of Alabama's "Windfall" oil and gas lease monies should be for said reimbursement.

BE IT FURTHER RESOLVED, That Governor James be notified, by copy of this resolution, that we strongly urge his concurrence as to priority of use for state oil and gas lease monies.

MOTION TO SUSPEND RULES

Rep. Letson offered the motion to suspend the rules and adopt the resolution, H. J. R. 235.

DIVISION OF THE QUESTION

Rep. Turner called for the Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Letson to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 235, and the motion was lost.

Yeas 12; Nays 37.

Yeas:

Reps.: Bowling, Greer, Hall, Hammett, Harper (O), Letson, Sasser, Shavers, Smith (C), Smith (M), Venable and Williams.

—12

Nays:

Reps.: Adams (C), Adams (H), Barton, Biddle, Brakefield, Buskey, Cabaniss, Cates, Clark (G), Clark (W), Dial, Gafford, Grouby, Harper (T), Holley, Holmes, Kennedy, Laird, Langford, Lewis, McMillan, Manley, Olive, Owens, Parker, Patton, Payne, Penry, Rains, Riddick, Shoemaker, Stewart, Trammell, Turner, Willis, Wyatt and Zoghby.

—37

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The resolution, H. J. R. 235, was read and referred to the Standing Committee on Rules.

Also:

By Reps. Turner and Clark (W):

H. J. R. 236. COMMENDING MISS LEAH SUMMERSELL, CITRONELLE'S 1981 OIL QUEEN.

WHEREAS, the Legislature of Alabama, in pleased concurrence, notes the recent selection of Miss Leah Summersell as Citronelle's 1981 Oil Queen, crowned on April 4, 1981, during the 22nd Annual Oil Queen Pageant held in Alabama's "Black Gold City"; and

WHEREAS, Leah, who is the lovely 16-year-old daughter of Mr. and Mrs. M. E. Summersell of Smithtown in Mobile County, is a student at Citronelle High School where she is a member of F.B.L.A., serves as activities editor of the yearbook, was a member of the last Powder Puff football team, playing left guard, and has been a member of the casts of both the sophomore and junior plays; and

WHEREAS, a talented musician, Miss Summersell has participated in the Jazz Concert and Symphonic Bands for the past four years and holds first chair in the flute section; and

WHEREAS, she maintains a grade point average of 3.84 and this past quarter was a straight "A" student; she also recently won an essay contest and a trip to Philadelphia to attend a freedom and leadership conference; and

WHEREAS, Miss Summersell, who plans to attend the University of South Alabama, studying in the field of public relations, was her school's representative in the recent Azalea Trail Festival in Mobile; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Miss Leah Summersell as Citronelle's 1981 Oil Queen and also for her many other outstanding accomplishments.

BE IT FURTHER RESOLVED, That Miss Summersell be presented with a copy of this resolution in token of our admiration and sincere regard.

On motion of Rep. Turner, the rules were suspended and the resolution, H. J. R. 236, was adopted.

Also:

By Rep. Patton:

H. J. R. 237. CONGRATULATING AND COMMENDING DECATUR'S AUSTIN HIGH SCHOOL BLOOD DRIVE CHAMPIONS.

WHEREAS, once again, in record numbers, donors turned up at the Austin High School Gymnasium in Decatur, Alabama, to help the Student Council retain its national title for a 12-hour blood drive; and

WHEREAS, Austin High School's drive has been the largest high school drive in the nation for a number of years and, this year, 1,883 usable pints of blood were donated with some 600 to 700 student volunteers and 150 adult volunteers on hand to help with the drive; and

WHEREAS, since the blood drives began at Austin High almost 15 years ago, organized by the student council and a faculty advisor, collections have steadily increased from a first-year 446 units to this year's record eighteen hundred plus; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate the student council, faculty and student body of Austin High School as National High School Blood Donor Champions; we further commend all those involved for their dedicated assistance to the Red Cross Blood Program in the Northeast District of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for appropriate school display with a copy also sent to student chairmen Mike Wade, Carla Jenkins and Carla Reardon on behalf of the Student Council of Austin High.

On motion of Rep. Patton, the rules were suspended and the resolution, H. J. R. 237, was adopted.

Also:

By Rep. Adams (H):

H. J. R. 238. COMMENDING MR. ARTHUR PERSHING WHITE OF JAMESTOWN, CHEROKEE COUNTY, ALABAMA.

WHEREAS, it is with great pleasure that the Alabama Legislature notes the recent induction of Mr. Arthur Pershing "Tarzan" White into the Alabama Sports Hall of Fame; and

WHEREAS, a former All American who played for the University of Alabama in the Rose Bowl, Tarzan White also played professionally with the New York Giants and the St. Louis Cardinals; and

WHEREAS, Tarzan White, an outstanding athlete, was also a professional wrestler and a three-time World Champion; and

WHEREAS, though a native of Atmore, Alabama, Mr. White now lives in Jamestown, in Cherokee County, where he taught school for several years and, for sixteen years, was a mail carrier on a Jamestown and Gaylesville route; and

WHEREAS, Mr. White, who is a United States Air Force Veteran of World War II, has enjoyed an enviable sports career during which he has played and performed all over the United States and many other countries including Australia; as a wrestler, he was an attraction on TV for a number of years and as a football player he participated in the first ever Pro-Bowl; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Cherokee County's Tarzan White and congratulate him on his recent selection to the Alabama Sports Hall of Fame.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. White that he and his wife, Mrs. Sara Carter White, their two sons and other family members may know of our sincere praise and warm regard.

On motion of Rep. Adams (H), the rules were suspended and the resolution, H. J. R. 238, was adopted.

MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives
State Capitol
Montgomery, Alabama
Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 471, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,
WILLIAM JAMES SAMFORD, JR.
Legal Advisor.

Done this 14th day of April, 1981.

To The Alabama House of Representatives
State Capitol
Montgomery, Alabama
Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 471 without my signature and approval and with the following suggested Executive Amendment. This amendment would eliminate the provision making a primary election mandatory upon the county party committee in accord with Amendment No. 41 of the Alabama Constitution of 1901.

In Section 1, Line 37 following the word "committees" remove the word "shall" and add in lieu thereof the word "may".

The Adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,
FOB JAMES,
Governor.

GOVERNOR'S MESSAGE

On motion of Rep. Letson, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 471, said Governor's amendment being set out in the above and foregoing Message from the Governor.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Boles, Brakefield, Cheatwood, Clark (G), Cobb, Cosby, Crow, Daniels, Edwards, Greer, Gregg, Grimsley, Harper (T), Harvey, Holmes, Horn, Langford, Letson, Lewis, Mitchell, Olive, Owens, Parker, Patton, Reed, Riddick, Roberts, Seibels, Smith (C), Stewart, Stout, Trammell, Turner, Ward, Warren, Williams, Willis and Wyatt.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 471. To amend Section 16-9-8 of the Code of Alabama 1975, relating to the election of the county superintendent of education, so as to provide for the manner of electing a successor in the event a successful candidate dies or resigns prior to taking office.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 39; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Barton, Bedsole, Bennett, Boles, Brakefield, Cheatwood, Clark (G), Cobb, Cosby, Crow, Daniels, Edwards, Gafford, Goodwin, Greer, Gregg, Grimsley, Harper (T), Holmes, Horn, Kennedy, Letson, Manley, Mitchell, Olive, Owens, Reed, Roberts, Seibels, Smith (C), Stewart, Stout, Trammell, Turner, Williams, Willis and Wyatt.

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 753. Relating to Jackson County, to raise the compensation of the jury commission and the compensation of the clerk of the commission.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Shavers, the House concurred in and adopted the Senate amendment to the bill, H. 753, said Senate amendment being as follows:

Amend H. B. 753 in Section 5, line 34 by striking 1982 and inserting in lieu thereof, the following: 1981

Yeas 36; Nays 0.

Yeas:

Mr. Speaker, Barton, Bennett, Brakefield, Carothers, Cheatwood, Clark (G), Cosby, Crow, Edwards, Gafford, Gilmer, Greer, Gregg, Grimsley, Grouby, Kennedy, Minus, Mitchell, Moore, Olive, Owens, Rains, Ray, Reed, Riddick, Roberts, Seibels, Shavers, Smith (C), Trammell, Ward, Warren, Williams, Willis and Wyatt.

—36

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 753 as thus amended, was again read at length and passed.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Brakefield, Cheatwood, Clark (G), Cosby, Crow, Edwards, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Harper (O), Harper (T), Horn, Johnson (R. G.), Kennedy, Laird, Manley, Minus, Mitchell, Moore, Olive, Rains, Ray, Reed, Riddick, Roberts, Seibels, Shavers, Smith (J), Ward, Williams, Willis and Wyatt.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Mitchem:

S. J. R. 129. COMMENDING MRS. DARLENE F. PATTON,
PROMINENT ONEONTA PHARMACIST AND CIVIC LEADER.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 129, the title of which is set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Keener (With Notice and Proof):

S. 17. Relating to Etowah County; to amend Section 1 of Act No. 302, H. 1043, Regular Session 1977 (Acts 1977, p. 403), relating to branch banks, so as to provide further for such banks.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED
TO THE BILL, S. B. 17 AS REQUIRED IN THE GENERAL ACTS OF
ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 17. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Vacca:

S. 59. Relating to interest and usury: To amend Act No. 80-435 of the 1980 Legislature of Alabama and Section 8-8-5, Code of Alabama 1975, relating to certain loans to which usury laws do not apply, so as to provide that such laws do not apply to any person or entity, whether or not organized for profit, nor to any transaction thereunder, whether or not in default; to define terms used therein; to repeal Section 1(e) of Act No. 80-435; to repeal conflicting laws; to provide that provisions of this Act are severable; and, to provide for an effective date.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 59. Banking.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Hilliard:

S. 366. Proposing an amendment to Article VIII, Section 182 of the Constitution of Alabama 1901, so as to provide further for disqualifying certain persons from registering and voting.

Also:

By Mr. Holmes:

S. 205. To require that all nonresident aliens that own or lease agricultural land, or engage in farming within Alabama must annually report to the Commissioner of Agriculture and Industries, and to establish penalties for failure to report.

Also:

By Mr. Hall:

S. 475. Amending Sections 16-8-25 and 16-12-21 of the Code of Alabama 1975 so as to allow teachers and other employees in city and county schools to take vacations during the school year.

Also:

By Mr. Callahan:

S. 314. To amend Section 40-14-70, Code of Alabama 1975, relating to assessment and collection of corporate shares of stock, so as to alter the method of assessment.

Also:

S. 233. To provide definitions and certain categories of standards, policy provisions, minimum anticipated loss ratio standards and consumer disclosure requirements relating to disability policies designed and sold as Medicare Supplement policies and to provide authority for the Commissioner of Insurance to promulgate regulations implementing these requirements consistent with the uniform standards promulgated by the National Association of Insurance Commissioners for the purpose of meeting the requirements of Public Law 96-265 (1980) to preserve to the State of Alabama the continued regulation of disability policies sold as Medicare Supplement coverage.

Also:

By Mr. Teague:

S. 427. To amend Code of Alabama 1975, Sections 34-17-24 and 34-17-25, which relate to license fees and penalties for Landscape Architects in

Alabama; to increase said fees and penalties to allow for increased costs of administration, to be effective retroactive to October 1, 1980.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, S. 366, the title of which is set out in the above and foregoing Message from the Senate, was read a first time at length as required by the Constitution, and referred to the Standing Committee on Judiciary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 205. Agriculture and Forestry.

S. 475. Ways and Means.

S. 314. Judiciary.

S. 233. Insurance.

S. 427. State Administration.

H. 857 POSTPONED

On motion of Rep. Smith (J) the bill, H. 857, was postponed to the 20th legislative day.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill:

H. 864. Relating to Choctaw County; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer in said county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Bennett, Boles, Brakefield, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Dial, Drinkard, Edwards, Gilmer, Goodwin, Greer, Hall, Hammett, Harper (T), Harvey, Kennedy, Laird, Manley, Minus, Patton, Payne, Reed, Roberts, Sasser, Seibels, Shoemaker, Stewart, Stout, Tucker, Turner, Willis and Wyatt.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 865. Relating to Choctaw County, authorizing the county governing body to provide for salaries of clerical and secretarial employees which may be hired from time to time to staff the offices of the tax assessor and tax collector.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 33; Nays 0.

Yeas:

Mr. Speaker, Barton, Bedsole, Bennett, Boles, Brakefield, Cheatwood, Clark (G), Cosby, Crow, Drinkard, Edwards, Gilmer, Greer, Hall, Harvey, Horn, Kennedy, Langford, Manley, Minus, Olive, Parker, Roberts, Sasser, Seibels, Stewart, Stout, Tucker, Turner, Warren, Willis and Wyatt.

—33

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 866. Relating to Choctaw County; amending the title and Sections 1, 2, and 4 of Act No. 2312, S. 1053, 1971 Regular Session (Acts 1971, p. 3734), and Act No. 80-295, H. 796, 1980 Regular Session (Acts 1980, p. 409-410), relating to the appointment of the county superintendent of education, so as to provide for the election and further for the qualifications and compensation of such officer.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 37; Nays 0.

Yeas:

Reps.: Barton, Bennett, Brakefield, Carter, Cates, Cheatwood, Clark (G), Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Gilmer, Greer, Grouby, Hammett, Harvey, Holley, Horn, Kennedy, Langford, Manley, Minus, Olive, Payne, Roberts, Sasser, Seibels, Shoemaker, Stewart, Stout, Tucker, Turner, Warren, Willis and Wyatt.

—37

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 869. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Billingsley in Autauga County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Brakefield, Carter, Cates, Cheatwood, Clark (G), Cosby, Crow, Daniels, Drinkard, Edwards, Gilmer, Greer, Grouby, Hall, Hammett, Harper (O), Kennedy, Langford, Manley, Minus, Olive, Parker, Patton, Pegues, Roberts, Sasser, Seibels, Stewart, Tucker, Turner, Venable, Ward, Warren, Willis and Wyatt.

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 875. Relating to Wilcox County; to amend Section 1 of Act No. 1447, S. 962, of the Regular Session of 1971 (Acts 1971, p. 2471), relating to the compensation of the board of registrars, so as to provide further for such compensation for the period of time from January 1, 1977, through September 30, 1980; and to provide for retroactive effect for such period of time.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Barton, Bennett, Boles, Brakefield, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Daniels, Drinkard, Edwards, Gafford, Gilmer, Greer, Grouby, Hammett, Kennedy, Langford, Manley, Moore, Olive, Owens, Parker, Pegues, Reed, Roberts, Sasser, Seibels, Stewart, Turner, Venable, Ward, Warren, Willis, Wyatt and Zoghby.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 886. Relating to Washington County; to amend Act No. 80-274, H. 730, 1980 Regular Session of the Alabama Legislature (Acts of 1980, p. 362), which prohibited the hunting of unantlered deer, so as to grant the Department of Conservation and Natural Resources the power to permit the hunting of unantlered deer within designated areas where in the opinion of the Commissioner of Conservation it is necessary for game management purposes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Carter, Cates, Cheatwood, Clark (G), Crow, Daniels, Drinkard, Edwards, Gilmer, Greer, Grouby, Hall, Hammett, Harper (T), Harvey, Langford, Manley, Moore, Olive, Owens, Parker, Reed, Roberts, Sasser, Seibels, Stewart, Trammell, Turner, Venable, Ward, Willis, Wyatt and Zoghby.

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 825. (With Amendment): Relating to Mobile County; to authorize and empower the county commission to establish a solid waste management program.

Was taken up.

SUBSTITUTE OFFERED

Rep. Harper (T) offered the following substitute to the bill, H. 825 with pending amendment:

A BILL TO BE ENTITLED AN ACT

Relating to Mobile County; to authorize and empower the county commission to establish a solid waste management program in the unincorporated areas of Mobile County.

Be It Enacted by the Legislature of Alabama:

Section I. DEFINITIONS.

The following words, phrases, or terms as used in this bill, unless the context indicates otherwise, shall have the following meanings:

1. "Abandoned Property". Wrecked or derelict property having no value other than nominal salvage value, if any, which has been left abandoned and unprotected from the elements and shall include wrecked, inoperative or partially dismantled motor vehicles, trailers, boats, machinery, refrigerators, washing machines, plumbing fixtures, and other similar articles which have no value other than nominal salvage value, if any; and is in a condition violative of Alabama statutes.

2. "Administrative Department". The Department charged by the Mobile County Commission with the administrative management of this bill.

3. "Commission". Means Mobile County Commission of Mobile County, Alabama.

4. "Bulky Waste". Items whose large size precludes or complicates their handling by normal collection, processing, or disposal methods.

5. "Bundle". A package containing rubbish only, weighing not over fifty pounds and not exceeding four (4) feet in its longest dimension, securely tied with cord or rope of sufficient strength to permit lifting and carrying of the full weight thereof without spillage or scattering.

6. "Certificate of Need". Written approval by the Commission for the Director to issue a permit to operate in accordance with this bill.

7. "Collection". Any person, firm, partnership or corporation permitted by the Director or franchised by the Board to engage in the transportation or collection of solid waste. May require Certificate of Need.

8. "Collector". Any person, firm, partnership, or corporation permitted by the Director or franchised by the Commission to engage in the transportation or collection of solid waste. May require Certificate of Need.

9. "Commercial Solid Waste". Solid waste generated by stores, offices, and other activities which do not actually manufacture a product.

10. "Construction and Demolition Debris". Material generally considered to be not water soluble and nonhazardous in nature including, but not limited to steel, glass, brick, concrete, or asphalt roofing material.

11. "Dead Animals". Animals that have died from any cause without proper burial, except those slaughtered for human consumption.

12. "Director". The Solid Waste Coordinator, appointed by the Mobile County Commission or its designated agent; is responsible for the administrative management of this bill.

13. "Disposal Facility". Site where solid waste is disposed of, whether by sanitary landfilling, incineration, treatment, recovery, or recycling.

14. "Enforcement Agency". The agency or agencies of this County, or of the State, charged with the enforcement of those aspects of this bill related to the protection of the public safety, health, welfare and environment, including all law enforcement officers of the county and litter patrol officers hired by the Mobile County Commission and deputized by the Mobile County Sheriff, who will work under the supervision of and be paid by the Mobile County Commission.

15. "Garbage". Materials resulting from the preparation, cooking and serving of food; market wastes, trimmings and other discarded matter from meat or produce, including containers in which packaged; and such other refuse as may be defined by the Commission.

16. "Hazardous Wastes". Materials or combinations of materials which require special management techniques because of their acute and/or chronic effects on air and water quality; on fish, wildlife, or other biota; or on the health and welfare of the public. These materials include, but are not limited to, volatile, chemical, biological, explosive, flammable, radioactive and toxic materials.

17. "Health Officer". The Director of the Mobile County Health Department and his authorized agents.

18. "Incinerator". An engineered apparatus used to burn waste substances and in which all the factors of combustion - temperature, retention time, turbulence, and combustion air - can be controlled.

19. "Incineration". A controlled process by which solid, liquid or gaseous combustible wastes are burned and changed into gases, and the residue produced contains little or no combustible material.

20. "Industrial Solid Waste". Solid waste that results from industrial processes and manufacturing.

21. "Infectious Wastes". Those wastes resulting from the operation of medical clinics, hospitals, abattoirs, and other facilities producing waste which may consist of, but are not limited to, human and animal parts, contaminated bandages, pathological specimens, hypodermic needles, contaminated clothing, and surgical gloves.

22. "Non-Residential Solid Waste". Solid waste from agricultural, commercial, industrial, or institutional activities or from parcels of property occupied by six (6) or more residential units unless exempt by the Mobile County Commission from mechanical pickup requirements.

23. "Persons". Any individual, partnership, co-partnership, firm, company, public or private corporation, association, joint stock company, trust, estate, or any other legal representative, agent or assign.

24. "Pollution". The condition caused by the presence in the environment of solid waste of such character and in such quantities that the quality of the environment is impaired or rendered offensive to life.

25. "Processing". Any method, system or other treatment designed to change the physical form or chemical content of solid waste.

26. "Promiscuous Dump". An unauthorized site where indiscriminate deposits of solid waste are made by known or unknown persons and are exposed to the elements, vectors and scavengers.

27. "Putrescible Wastes". Materials capable of decomposition, causing environmental nuisances and/or obnoxious odors.

28. "Recovered Resources". Solid waste materials which still have useful physical or chemical properties after serving a specific purpose and can, therefore, be reused or recycled for the same or other purpose.

29. "Recovery". The process of obtaining usable materials or energy from solid waste.

30. "Recycling". The process by which recovered resources from solid waste are transformed into new products in such a manner that the original products lose their identity.

31. "Rendering". A process of recovering fatty substances from animal parts by heat treatment, extraction, and distillation.

32. "Residential Solid Waste". All solid waste that normally originates in a residential environment. This definition is applicable to the solid waste generated upon a parcel of property occupied by fewer than six (6) residential units and to parcels exempted from mechanical pickup requirements.

33. "Residential Unit". Any unit used to house persons, or capable of such use. Includes single family dwellings; each unit in a duplex, condominium dwelling, or apartment house; and each mobile home in a mobile home parcel except mobile home parcels in rental or camp parks licensed by the Health Department.

34. "Reprocessing". The action of changing the condition of a secondary material.

35. "Rubbish". Solid waste or refuse, excluding garbage and bulky items; consists of both combustible and noncombustible trash, such as paper, cardboard, tin cans, plastics, yard clippings, wood, glass, and similar materials.

36. "Salvage". The extracting of materials from solid waste which is of value or useful.

37. "Salvaging". The controlled removal of valuable or useful material from solid waste for utilization.

38. "Sanitary Landfill". A site where solid waste is disposed using sanitary landfilling techniques.

39. "Sanitary Landfilling". An engineered method of disposing of solid waste on land in a manner that protects the environment by spreading the waste in thin layers, compacting it to the smallest practical volume, and covering it with soil by the end of each working day in compliance with applicable State Law.

40. "Sanitary Nuisance". The commission of any act by a person, or the keeping, maintaining, propagation, existence or permission of anything by a person by which the health or lives of individuals may be threatened or impaired or by which disease may be caused.

41. "Scavenging". The uncontrolled removal of materials at any point in solid waste management.

42. "Separation". The systematic division of solid waste into designated components.

43. "Solid Waste". Garbage, rubbish, refuse, or other discarded solid or semi-solid materials resulting from domestic, commercial, industrial, agricultural activities and governmental operations excluding solids or dissolved material in domestic sewage, but not materials held for reuse or resale.

44. "Solid Waste Management". Includes all or any aspects of handling solid waste: including collection, transportation, storage, separation and disposal.

45. "Special Wastes"—Those wastes that require extraordinary management. They include, but are not limited to bulky wastes, abandoned automobiles, white goods, used tires, waste oil, sludges, dead animals, agricultural and industrial wastes.

46. "Storage"—The interim containment of solid waste, in an approved manner, after generation and prior to ultimate disposal.

47. "Transfer Station"—A facility where solid waste from several relatively small vehicles is placed into one relatively large vehicle before being transferred to solid waste processing or disposal facility.

48. "Transport"—The movement of solid waste subsequent to collection.

49. "Unauthorized Accumulation"—Any accumulation of trash, garbage, or putrescible waste for more than seven (7) days on any residential or

commercial properties, excluding noncommercial composting, and commercial composting for which a valid permit has been obtained. This shall not include building materials used in constructing or repairing or building or other structure and stored at the site of such building or structure.

50. "Waste Oil"—All types of waste oils, including waste automotive lubricants, industrial waste oils, and others that may be potential pollution sources.

51. "White Goods"—Inoperative and discarded refrigerators, ranges, washers, water heaters and other similar domestic and commercial appliances.

52. "Yard Trash"—Vegetative matter resulting from landscaping maintenance such as trees and shrub trimmings, grass clippings and palm fronds.

SECTION II. POWERS AND DUTIES OF THE ADMINISTRATIVE DEPARTMENT.

1. DIRECTOR: The Director, or his duly appointed designee shall be responsible for the administrative management of this ordinance.

2. SOLID WASTE MANAGEMENT SYSTEM: The Director shall provide for a solid waste management system consistent with this ordinance, consisting of storage, collection, transport, processing, separation, recovery, and disposal.

3. COMMISSION APPROVAL: The solid waste management system must be submitted to the Mobile County Commission of Mobile County, Alabama, for review and approval or rejection.

SECTION III. SOLID WASTE MANAGEMENT ADVISORY BOARD.

1. APPOINTMENT: There is hereby created a Solid Waste Management Advisory Board consisting of nine (9) members: one shall be a member of the County Commission of Mobile County, Alabama, one shall be the Solid Waste Coordinator, one shall be appointed by the Senators of the Mobile County Legislative Delegation, one shall be appointed by the Representatives of the Mobile County Legislative Delegation, one at large shall be appointed by all other appointees, one shall be appointed by the Sheriff of Mobile County, one shall be appointed by the County Commissioner of District 1, one shall be appointed by the County Commissioner of District 2, and one shall be appointed by the County Commissioner of District 3.

2. TERMS: The Solid Waste Management Advisory Board members shall serve for a term of four (4) years; provided, however, in the initial term the member from the County Commission shall serve for four (4) years; the Director of his duly appointed designee shall be a permanent member of the Advisory Board, and the remaining members appointed shall serve for a period of two (2) years.

3. APPOINTED MEMBERS: Appointed members of the Advisory Board shall serve at the pleasure of the Board and may be removed by a majority vote of the Board.

4. ORGANIZATION—MEETINGS: The Advisory Board shall, within thirty (30) days after its full appointment, hold a meeting at which it shall elect its officers and adopt bylaws governing the conduct of its business. The

Board shall meet not less than one (1) time in each quarter year. The Chairperson, the Mobile County Commission, or a quorum of the Advisory Board may call an emergency meeting at any time.

5. DUTIES: The Advisory Board:

A. May review permit application forms and recommend revisions thereof, which shall be consistent with the terms of this bill.

B. May make recommendations for the revision of this bill.

C. Shall make recommendations to the Mobile County Commission for establishing or altering rates, charges, or fees required by the bill. It may make such recommendations to the Director as are authorized by its bylaws.

D. May attend any hearings held by the Director regarding complaints arising from the administration of this bill. The Advisory Board may make recommendations to the Director which, in its opinion, would alleviate the cause of such complaints. In all such hearings, the Advisory Board shall participate through the Director only and all recommendations shall be in writing.

SECTION IV. SOLID WASTE MANAGEMENT.

All solid waste generated or otherwise found within the County shall be managed by persons holding valid permits for such activity, granted in accordance with this bill, and no household business, industry or any property owner may store, haul and dispose of his own solid wastes on his own land or otherwise, without a Solid Waste Management Permit.

1. INFECTIOUS OR HAZARDOUS WASTES: All producers of infectious or hazardous wastes shall obtain a permit in accordance with Section VI herein specifying the exact means and methods of managing such solid wastes.

2. ALTERNATE PERMITTING PROCEDURE FOR DISPOSAL OF CONSTRUCTION AND DEMOLITION DEBRIS: A person desiring to dispose of construction and demolition debris resulting from his regular business operation on property he has the right to use for the purpose of disposing of such debris is not required to obtain a certificate of need or regular permit in order to engage in such activity, but shall be required to obtain a special permit from the Health Officer for such purpose in the manner set forth in Section VI (12), if he does not desire to follow regular permitting procedures.

SECTION V. CERTIFICATES OF NEED: Certificates of need as required by Section IV may be obtained for the management of solid waste in the following manner:

1. INFORMATION REQUIRED: An applicant for a certificate of need for a solid waste management activity or facility shall petition the Mobile County Commission to determine the need of such requested service by the applicant. The applicant shall provide the Commission with the following information as applicable:

- A. A statement of purpose and need for the activity, service or facility.
- B. A statement of funding sources.
- C. A statement of financial resources of the applicant.
- D. A statement of the cost of operation.

- E. A statement of existing facilities or services available.
- F. Any other information requested by the Commission.

G. Information described in paragraphs B, C, and D above shall not be required from persons desiring Certificates of Need to provide "non-residential solid waste"(as defined herein) management activities, services or facilities.

2. **CERTIFICATE OF NEED APPROVAL:** Upon the Commission determining and finding that the service, activity or facility for which the certificate of need is requested answers a public need; is necessary for the welfare of the citizens and residents of Mobile County; and will not impair or infringe any obligations established by contract, resolution, or ordinance; the Commission may issue Certificate of Need for such service, activity, or facility; provided, however, that the Commission shall not issue Certificate of Need to any person whose activities will result in a materially adverse effect on the net revenues of County's Solid Waste Disposal System, as determined by the Commission. Consistent with such findings, the certificates shall be issued for collection/transportation and for disposal or recovery activities. Issuance of a Certificate of Need shall not relieve the holder from meeting permitting requirements of this bill, and all County, State, and Federal laws and regulations. Certificates for collection/transportation of non-residential solid waste shall be valid on a County-wide basis. No Certificate of Need for collection/transportation or disposal of non-residential solid waste shall be denied solely because the number of such certificates in effect at the time of said application; provided, however, that the number of permitted and/or certificated disposal facilities shall be considered in determining whether operation of such facility would be in the best interests of the public; and provided that the Commission shall not issue Certificate of Need to any person whose activities will result in a materially adverse effect on the net revenues of the County's Solid Waste System, as mentioned above.

SECTION IV. SOLID WASTE MANAGEMENT PERMITS. Permits required under Section IV shall be issued in the following manner:

1. **APPLICATIONS:** Any person desiring to obtain a permit shall file application for a permit with the Director on application forms provided by the Director and shall accompany such application with:

- A. Name and address of the applicant, showing its legal identity (individual, partnership, corporation, etc.).
- B. The business address of the applicant.
- C. An inventory of all motorized equipment or other equipment to be used in such collection, transportation, or disposal.
- D. The methods of storage, transport, and processing to be used.
- E. The location and type of processing and/or disposal contemplated.
- F. The types and amounts of wastes to be covered by permit, including description of project or process generating wastes.
- G. The route or routes to be used in transporting and schedules used.
- H. Issuance of County permits shall not relieve applicants from obtaining any required state or federal permits.

I. Proof of all insurance and bonding required by this bill (state financial responsibility limits for motor vehicles, etc.), or as established by resolution of the Commission from time to time.

J. Proof that applicant has acquired any required certificates of need.

K. Statement of desired duration of permit, if less than one year.

L. Application fee established by resolution of the Commission.

M. All other information reasonably required by the Director to fulfill the intent of this bill.

2. INSPECTIONS: Upon receipt of a completed application, the Director shall within five (5) days refer same to the Health Officer for investigation. The Health Officer shall inspect all facilities and equipment to be used in the applicant's activity and shall report his findings to the Director within six (6) days of receipt, and the Director shall take appropriate action within ten (10) days thereafter.

3. ISSUANCE: Upon determining that the activity, service or facility for which the permit is sought will comply with the terms of this bill and with all County regulations and ordinances; and no certificate of need is required; and that the applicant's service, activity, or facility will be in the best interest of the public, the Director shall grant a permit allowing the pursuit of such activity upon the terms and conditions as the Director may deem to be in the public interest.

4. MODIFICATIONS: If the Director determines that a permit should not be issued based upon the above criteria, but if in the Director's opinion, modification can be made which will bring the application within the intent and purposes of this bill, he shall notify the applicant or applicants, in writing, setting forth the correction to be made and the time in which such correction shall be completed.

5. DENIAL: If the applicant fails to make the corrections pursuant to the notice mentioned above within the time limit specified therein, or, if the Director previously determined that a permit should not be issued based on the above criteria, the application shall be denied and the applicant notified, in writing, stating therein the reasons for the denial. Nothing in this section shall prevent any applicant from reapplying after the rejection of his application, provided the requirements of this bill are met. Appeals of such denials may be made in the manner provided for appeals or revocation of permits in paragraph 10, following.

6. DURATION: When issued such permit shall be effective for the period of time necessary to accomplish the desired service, activity, or facility operation, up to a period of one (1) year from the granting thereof, or in the case of a franchised holder, for the duration of the franchise, unless the permit is sooner revoked pursuant to the provisions of this bill.

7. PERMIT RENEWAL: Any permit holder desiring to renew an existing permit shall complete and submit to the Director an application therefore not more than forty-five (45) days nor less than fifteen (15) days before the expiration date thereof and shall tender with each application form such permit fees as are required by resolution of the Mobile County Commission.

8. PERMIT NUMBER, DISPLAY: All motor vehicles operating under any permit required by this bill shall display the permit number or numbers

on each side, in colors which contrast with that of the vehicle, such numbers to be clearly legible and not less than six (6) inches high.

9. EVALUATION OF PERFORMANCE: The performance under this bill of all those holding permits shall be evaluated by the Director from time to time. If at any time during the life of the permit, performance satisfactory to the Director shall not have been made, the permittee upon notification by the Director, shall take all necessary steps including, but not limited to, increasing the work force, vehicles and equipment as needed to properly perform his duties. The failure of the Director to give such notification shall not relieve the permittee of his obligation to perform the work at the time and in the manner specified in his permit.

10. REVOCATION; APPEALS: If, after notice of unsatisfactory performance has been given, the permittee has failed to make necessary corrections within a reasonable time, the Director may revoke the permit. Appeal from any decision of the Director revoking such permit may be taken to the Mobile County Commission by the aggrieved party by filing a petition with the Commission within ten (10) days after the mailing of notice of such appeal. Upon receipt of such petition, the Mobile County Commission shall set a time and place for a hearing upon the petition. The appeal shall proceed in accordance with due process of law. Revocations shall not be final until such appeals are heard.

11. LIST-PERMIT HOLDERS: The Director shall maintain a complete listing of all persons holding permits to provide solid waste management services within Mobile County. The listing shall contain the name and address of each person, its office telephone number, the number and types of vehicles used by such persons, the nature and extent of the services, activities or facilities permitted, and the expiration date of the permit.

12. ALTERNATE PERMITTING PROCEDURE FOR DISPOSAL OF CONSTRUCTION AND DEMOLITION DEBRIS: Any person desiring to dispose of construction and demolition debris resulting from his regular business operation on property approved for the disposal of such materials and for which he has the right to use for the purpose of disposing of such debris shall not be required to obtain a certificate of need or regular permit in order to use said property for such purposes but shall be required to obtain an annual special permit from the Health Officer for such purpose in the manner and under such conditions as specified by the Health Officer. Notwithstanding anything herein to the contrary, under no circumstances will any solid waste other than construction and demolition debris resulting from the permit holder's regular business operation be placed or disposed of in a disposal facility permitted under this section. Failure to observe this condition may result in immediate revocation of the permit.

13. PERMIT ISSUER'S OBLIGATIONS: No permit shall be granted pursuant to this Section if the granting of said permit will result in a materially adverse effect on the net revenues of the County's Solid Waste Disposal System, as determined by the Issuer, provided, however, that this paragraph shall not apply to disposal of construction and demolition debris permitted under paragraph 12 of this Section.

SECTION VII. COLLECTION OF SOLID WASTE.

1. RESIDENTIAL SERVICE: Only County franchised collectors possessing valid permits shall engage in the business of providing solid waste management services to residential property within the County. Fees for

such service will be established by resolution or ordinance of the Mobile County Commission, consistent with the provisions of franchise agreements. Franchised collectors shall provide service in the following manner:

A. **FREQUENCY:** All residential wastes, except for rubbish, shall be collected and removed at least twice per week. Rubbish shall be collected and removed at least once per week. Pickups shall not be reduced by holidays, but pickups normally scheduled to be made on a holiday may be rescheduled upon approval by the Commission. At least five (5) days prior notification to the affected residential premises by publication of display ad one time in a newspaper of daily circulation in the County shall be provided.

B. **QUANTITY - RESIDENTIAL:** The Collector shall be required to pick up all garbage and rubbish not in excess of three (3) 30-gallon receptacles generated by a residential premises, provided same is placed in a proper place. The Collector shall also be required to pick up rubbish from the curbside in an amount not exceeding one (1) cubic yard per week. This section may be modified or deleted by the Commission by contract with individual collectors.

C. **WASTE COLLECTION - RESIDENTIAL:** The Collector shall make collection with a minimum of noise and disturbance to the householder. Waste receptacles shall be handled carefully by the Collector and shall be thoroughly emptied and left where they were found, standing upright and with covers placed adjacent to the waste receptacle at the curbside. Waste may be transferred from the householders' containers into tubs, cans, hampers, or other containers used by the Collector in carrying waste to collection trucks. This work shall be done in a sanitary manner. Any waste spilled by the Collector shall be picked up immediately by the Collector's employees.

D. **LOCATION OF RESIDENTIAL WASTE FOR COLLECTION:** All persons receiving residential service pursuant to this bill shall place waste receptacle disposal containers and other items at the curbside, secured from disturbance by animals, unless the Collector has agreed to provide a special service collection at another location.

E. **SPECIAL SERVICES:** Special services such as backdoor collection, below ground collection, removal of any refuse other than residential waste as defined herein, or additional pickups not provided for in this bill shall be subject to negotiations between the Collector and the owner or occupant of the premises. Requests for pickup of bulky waste such as building materials, furniture, trees, sod, lumber and other items not defined in this bill as "Garbage" or "Rubbish" shall be considered as requests for special pickup services. Such special services shall not be covered by the fees and charges set out by ordinance or resolution, but shall be agreed upon by the parties requesting such service and the Collector. Charges for special services shall not be unreasonable or excessive.

F. **CUSTOMER RESTRICTIONS:**

1. Collector shall not be required to collect residential waste receptacles containing garbage or refuse not generated from the customer served and shall not be required to collect non-residential waste.

2. Collector shall have the right to terminate service to any customer violating any provision of this bill.

G. **REMOVAL OF IMPROPER RECEPTACLES:** Any container used for the collection or storage of residential waste which fails to meet the

standards prescribed by this bill shall be clearly marked by the Enforcement Agency, specifying the manner in which the container fails to meet these requirements. Any container which fails to meet these requirements and is so marked shall be removed from service by the party furnishing it. Upon failure of the party furnishing the container to remove it from service after marking by the Enforcement Agency, the Collector shall remove the container from service and destroy it.

2. **NON-RESIDENTIAL SOLID WASTE:** Arrangements for the management of non-residential solid waste shall be made by the owner or tenant of the non-residential property; or by the producer of the non-residential solid waste.

A. **FREQUENCY:** All non-residential solid waste shall be collected at sufficient intervals to protect the environment; however, garbage produced on a non-residential property shall be collected at least twice a week.

B. **SCHEDULING:** Such collections shall be scheduled so that collection vehicles do not interfere with rush-hour traffic.

C. **ABANDONED PROPERTY:** Abandoned property shall be removed and disposed of in accordance with the Alabama Code.

D. **DEAD ANIMALS:** The Mobile County Commission shall provide the necessary equipment and personnel to remove dead canine, feline, and other small animals on public property or private property, for a fee, and shall schedule such collections to provide pickup with a minimum of delay. The removal of other dead animals on public property shall be the responsibility of the Department of Public Services; these animals shall be disposed of promptly to prevent them from becoming a sanitary nuisance. The above shall not apply to dead animals or parts thereof from any commercial or agricultural activity within this locality. But, in any event, if an animal is known or suspected to have died of a communicable disease, the handling and disposal of the carcass shall be in accordance with the Alabama Code.

SECTION VIII. STORAGE AND CONTAINERS OF SOLID WASTE PRIOR TO COLLECTION.

1. **SOLID WASTE:** The property owner or occupant shall store solid waste on his premises or property or shall require it to be stored or handled in such a manner as to prevent the propagation, or harborage of rats or arthropod vectors or the creation of a sanitary nuisance.

2. **GARBAGE AND PUTRESCIBLE WASTE:** All garbage and putrescible matter or mixed garbage and rubbish shall be stored in containers which are non-absorbent, water-tight, vector resistant, durable, easily cleaned and designed for safe handling; or in paper or plastic bags having sufficient strength and water tightness and which are designed for proper containment.

3. **CONTAINER SIZE:** All solid waste containers shall be of adequate size and sufficient numbers to contain without overflowing all the refuse, except yard trash or bulky waste, a residence or other establishment generates within the designated period of time between collections. All containers shall be maintained in a sound, clean condition free from putrescible residue.

4. **CONTAINER CONSTRUCTION:** Containers shall be free of all sharp edges and any inside structure which would prevent the free discharge of the contents.

5. **EXTERNAL BINS:** External stationary storage bins for putrescible solid waste shall be prohibited from being built or added on to existing or new buildings. New installations of underground receptacles shall be prohibited. Existing receptacles may continue in use until they become impractical to repair.

6. **MECHANICAL CONTAINERS:** Mechanically serviced containers (bulk containers) shall be designed or equipped so as to prevent spillage or leakage during on-site storage and/or transport. The container shall be easily cleanable and located on firm, level ground or a concrete pad, and shall be easily accessible by the collection vehicle.

7. **HAZARDOUS OR INFECTIOUS WASTES:** Hazardous or infectious wastes whose uncontrolled release into the environment would cause acute and/or chronic effects on air and water quality; on fish, wildlife, or other biota, and on the health and welfare of the public shall be stored or transported only in special containers where due regard has been given to the hazardous nature of the waste, protective enclosures, and operating procedures, and where adequate measures are taken to assure personal safety, accident prevention, and detection of potential environmental damages.

SECTION IX. TRANSPORTATION REQUIREMENTS.

1. **EQUIPMENT:** All equipment used in collection and transportation of solid waste shall be constructed, operated and maintained in such a manner as to minimize health safety hazards to solid waste collector personnel and the public. All vehicles shall be maintained in good mechanical condition, shall be enclosed or adequate provisions shall be made for suitable cover to prevent contents from escaping in accordance with the Alabama Code; and shall be kept clean so as to prevent propagation and attraction of vectors and the creation of sanitary nuisances.

2. **GARBAGE AND PUTRESCIBLE WASTES:** Garbage and putrescible waste shall be transported in enclosed vehicles which meet the standards established by the American National Standard Institute (ANSI, Section 245.1) safety standards for refuse collection equipment (or metal containers which are water-tight, impervious and suitable to protect the contents from flies, insects and rodents).

3. **HAZARDOUS WASTE:** When transporting hazardous waste, the generator or owner of the hazardous waste shall package, identify, and label such materials in accordance with the Code of Federal Regulations, Title 49, Transportation, Parts 100-199, dated October 1, 1974, which are hereby incorporated and made a part of this bill.

SECTION X. DISPOSAL OF WASTE.

1. **SOLID WASTE:** All solid waste in Mobile County shall be disposed of in accordance with the Alabama Code and this bill. No solid waste shall be disposed of except in approved disposal facilities operated by the County or by persons possessing valid permits and certificates of need issued according to this bill. However, solid waste material may be used for construction site fill with the approval of the Mobile County Building Inspector. Said approval shall be in writing.

2. **HAZARDOUS OR INFECTIOUS WASTES:** Any producer of hazardous or infectious waste must possess a permit for handling or managing solid waste issued in accordance with section VI. This permit will specify all management techniques to be used in connection with such solid waste.

Under no circumstances will untreated hazardous or infectious wastes be disposed of at disposal facilities not specifically permitted to dispose of such wastes.

3. BUILDERS AND TREE SURGEONS: Builders, building contractors, and privately employed tree trimmers and tree surgeons shall remove or cause to be removed all trash and debris from the premises upon which they are working, including limbs, tree trunks, roots, concrete slabs, concrete blocks, bricks, building debris, and all materials used by contractors in the course of building and/or alterations, in accordance with this bill for removal and/or disposal as specified herein.

SECTION XI. TITLE TO SOLID WASTE.

In the absence of an agreement to the contrary specified in a permit or contract with the County, title to all solid waste generated or otherwise found within Mobile County shall vest in the County when it is finally disposed of according to the provisions of this bill and the provisions of the individual permit or contract.

SECTION XII. OWNER'S RESPONSIBILITY.

The fact that any improved real property located within the County is designed for occupation or use, is occupied or used, or is capable of being occupied or used, shall be in prima facie evidence that solid waste is being produced or accumulated upon such property. The owner of such property shall be responsible for insuring that any solid waste generated upon such property is being managed in accordance with the terms and provisions of this bill, and may be required by the Director to show to the satisfaction of the Director that such management is being done.

SECTION XIII. GENERATOR'S RESPONSIBILITY.

Any person who generates solid waste within the County shall also be responsible for insuring that such solid waste is managed in accordance with the terms and provisions of this bill, and may be required by the Director to show to the satisfaction of the Director that such management is being done. If an object of solid waste is discovered upon any property except property designated for use as a solid waste management facility pursuant to Section V herein in violation of this bill, and if that object bears a person's name or photographic likeness; it shall be prima facie evidence that the person whose name or likeness appears on the object threw, dumped, deposited, or caused it to be thrown, dumped, or deposited there in violation of the provisions of this bill.

SECTION XIV. PERMITTEE'S RESPONSIBILITY.

All persons possessing permits issued in accordance with this bill shall defend, indemnify and hold harmless Mobile County from any and all liability from damages or whatsoever kind or nature arising from or in any manner connected with any of its activities under this bill. The permittee shall carry Workmen's Compensation insurance on his employees and show proof of insurance and payment of premiums thereon to the Director, as requested. All such policies shall provide for notice by the insurer to the Director at least sixty (60) days prior to any termination, revocation, or modification thereof.

SECTION XV. CERTAIN ACTS AND PRACTICES PROHIBITED.

1. DISPOSAL: It shall be unlawful to dispose of solid waste except by sanitary landfill, incineration, recycling process, or other method approved

by the Director, consistent with applicable State law, operated by County or permitted and possessing certificates of need as required herein.

2. **UNAUTHORIZED ACCUMULATION:** It shall be unlawful to allow an unauthorized accumulation of rubbish, yard trash, garbage and putrescible waste on any residential or commercial premises not engaged in salvaging operation.

3. **CONTAINERS:** It shall be unlawful for any person other than the owner or Collector, or his agent, or employees to collect refuse or to interfere in any manner with any such receptacles from the place where the same are placed by the owner or person lawfully in control thereof, or to remove the contents of such receptacles.

4. **PUBLIC PLACES:** No person shall place any refuse in any street, alley, or other public place, or upon private property, whether owned by such person or not, except if it be in proper containers for storage and collection. No person shall throw or deposit refuse in any street, ditch, lake, stream or other body of water.

5. **SPECIAL WASTE:** It shall be a violation of this bill for any person to dispose of any acid, explosive material, inflammable liquids or any dangerous or highly corrosive material in a way which might be detrimental or harmful to any person or persons.

6. **RACKS OR STRUCTURES:** No rack or other structure intended to house or support garbage or refuse containers shall be constructed, maintained, or permitted to remain in any part of a public street or on private property within sight of a street. This shall not prevent the use of a garbage cart which can be rolled in and out from the house to the curb line.

7. **PLACEMENT OF CONTAINERS:** Residential refuse or garbage containers shall not be placed on the curb or grass plot prior to 5:00 p.m. of the day preceding the scheduled time of collection, and all containers shall be removed from the curb or grass plot prior to 7:30 p.m. on the day of collection.

8. **DEAD ANIMALS:** It shall be unlawful to place any dead animal, or parts thereof, in a container for collection without the consent of the Collector or Director, provided, however, this section shall not apply to animal parts from food preparation for human consumption.

9. **BURIAL—PREMISES:** It shall be unlawful for any builder, or building contractor to bury any trash and debris which includes limbs, tree trunks, roots, concrete slabs, concrete blocks, bricks, building debris and all other materials used by the contractors in the course of building and/or alterations upon any premise unless a permit is first obtained in accordance with this bill.

10. **VEHICLE CONSTRUCTION:** It shall be unlawful to transport any solid waste in any vehicle which permits the contents to blow, sift, lead or fall therefrom.

11. **INTERFERENCE WITH AUTHORIZED SOLID WASTE MANAGEMENT:** It shall be unlawful for any person to interfere with any County enforcement or management personnel or employee of a permitted or franchised collector while in the performance of their duties as authorized by this bill.

12. **SCAVENGING PROHIBITED:** It shall be unlawful for any person to scavenge any solid waste within the boundaries of a sanitary landfill

operated by Mobile County. This shall not prohibit persons who first obtain the permission of the Director from removing such solid waste.

13. **DUMPS PROHIBITED:** It shall be unlawful for any person to use any property in Mobile County for disposal or treatment of solid waste without an unrevoked permit and (if required herein) Certificate of Need issued in accordance with this bill.

14. **BURNING PROHIBITED:** It shall be unlawful for any person to burn solid waste in any manner other than in a duly authorized incinerator permitted under Section V, or in accordance with the regulations promulgated by the Department of Environmental Regulation, as amended from time to time.

15. **HAZARDOUS OR INFECTIOUS WASTE:** It shall be unlawful to engage in any aspect of handling or managing any hazardous or infectious waste until a permit has been obtained in accordance with Section VI.

16. **ACTS CONTRARY TO ORDINANCE:** It shall be unlawful to store, collect, transport, transfer, recover, incinerate, or dispose of any solid waste within the boundaries of Mobile County contrary to the provisions of this bill or any permit or Certificate of Need issued hereunder.

17. **COLLECTION SERVICE:** It shall be unlawful for any person to operate a solid waste collection, transportation, or disposal service in Mobile County who does not possess an unrevoked permit from the Director and any required Certificates of Need from the Mobile County Commission.

18. **PAYMENT OF FEES:** No person shall deposit or dispose of any solid waste at any county solid waste disposal or handling facility without paying, in accordance with the requirements of the Director, any lawfully imposed charges.

SECTION XVI. INSPECTIONS.

In order to insure compliance with this bill and the laws of this State, the Director or his agents, or the Health Officer and his agents, are authorized to inspect, at reasonable times, all phases of solid waste management within Mobile County.

SECTION XVII. NOTICES.

In all instances where inspections reveal violations of this bill, or the laws of this State, the Enforcement Agency shall issue written notice for each such violation, stating therein the violation or violations found, the date and time of such violation and the corrective measures to be taken, together with the time in which such corrections shall be made. All such notices issued by the Enforcement Agency shall be kept in a clearly marked file and shall be available for public inspection during regular business hours.

SECTION XVIII. PENALTIES.

Any person, firm or corporation who shall violate any of the provisions of this bill or who shall fail, neglect or refuse to comply with any order or notice given in pursuance and by authority of this bill shall be guilty of a Class C misdemeanor and subject to punishment as prescribed by Section 13A-7-29 of the Alabama Code.

SECTION XIX. SEVERABILITY.

If any section, subsection, paragraph, clause, sentence, phrase or portion of this bill is for any reason found invalid, unlawful, or unconstitutional by

any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof. All laws or parts of laws which conflict with this act are hereby repealed. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Brakefield, Buskey, Cabaniss, Cates, Cheatwood, Clark (G), Clark (W), Crow, Daniels, Dial, Drinkard, Edwards, Greer, Hall, Hammett, Harper (T), Harvey, Holley, Kennedy, Langford, Manley, Olive, Owens, Parker, Patton, Sasser, Seibels, Stewart, Turner, Venable, Ward, Warren, Willis, Wyatt and Zoghby.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 825. Relating to Mobile County; to authorize and empower the county commission to establish a solid waste management program in the unincorporated areas of Mobile County.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Barton, Bennett, Biddle, Brakefield, Cabaniss, Cates, Cheatwood, Clark (G), Clark (W), Crow, Daniels, Drinkard, Edwards, Gafford, Greer, Hall, Harper (T), Harvey, Holley, Kennedy, Langford, Manley, Moore, Olive, Owens, Parker, Patton, Roberts, Sasser, Seibels, Smith (C), Stewart, Trammell, Turner, Venable, Ward, Warren, Willis, Wyatt and Zoghby.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 512. To change the name of the capitol security officers to state capitol police officers, to provide for the powers, duties, and jurisdiction of state capitol police officers, to provide that state capitol police officers shall be provided a uniform of a type and color as prescribed by the director of finance, and to provide that the state department of finance is authorized to insure state capitol police officers against personal injury or death while discharging their duties.

Was taken up.

AMENDMENT OFFERED

Rep. Hall offered the following amendment to the bill, H. 512:

Amend House Bill 512 by deleting the period at the end of line 17, page 3, and adding the following to said sentences:while carrying out their duties on, or in relation to, state property or while protecting or escorting public officials.

AMENDMENT TABLED

On motion of Rep. Smith (M), the amendment offered by Rep. Hall to the bill, H. 512, was tabled.

Yeas 22; Nays 13.

Yeas:

Reps.: Bedsole, Carter, Clark (G), Edwards, Grimsley, Laird, Minus, Naramore, Owens, Parker, Patton, Pegues, Ray, Riddick, Sasser, Seibels, Smith (M), Turner, Ward, Whatley, Williams and Wyatt.

—22

Nays:

Reps.: Albright, Barton, Boles, Brakefield, Cheatwood, Clark (W), Hall, Holley, Holmes, Kennedy, Langford, Smith (C) and Trammell.

—13

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 512 TEMPORARILY POSTPONED

On motion of Rep. Biddle, the bill, H. 512, was temporarily postponed.

And the bill:

H. 607. (With Amendment): To amend Sections 34-8-2, 34-8-4 and 34-8-5, Code of Alabama 1975, which relate to the licensing and regulation of general contractors, so as to provide further for said licensing.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend H. B. 607 on page 5, Section 1, subsection (b) by striking lines 5 through 31 of their entirety.

And the amendment was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (W), Cobb, Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (T), Holley, Holmes, Horn, Johnson (R. G.), Laird, Langford, Letson, Lewis, Minus, Naramore, Olive, Owens, Parker, Payne, Penry, Ray, Reed, Riddick, Roberts, Seibels, Shavers, Shoemaker, Smith (J), Stewart, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Willis and Wyatt.

—66

And the bill, H. 607 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 6.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (W), Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Grimsley, Hammett, Harper (T), Horn, Johnson (R. G.), Kennedy, Laird, Langford, Letson, Lewis, Mitchell, Naramore, Olive, Owens, Parker, Patton, Penry, Ray, Roberts, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Stewart, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Williams, Wyatt and Zoghby.

—59

Nays:

Reps.: Boles, Brakefield, Clark (G), Manley, Riddick and Willis.

—6

And the bill:

H. 287. To amend Section 5 of Act No. 738, S. 533 of the 1980 Regular Session, which act provides for allowable interest surcharge, allowable interest rates or finance charges determined by the prime rate charged by certain banks, and open-end credit plans, so as to change the termination date provision of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 7.

Yeas:

Mr. Speaker, Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cosby, Drinkard, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley,

REGULAR SESSION
19th Day

1115

Hammett, Harper (O), Holley, Horn, Johnson (R. G.), Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Olive, Parker, Patton, Payne, Penry, Ray, Reed, Roberts, Seibels, Shoemaker, Smith (M), Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Williams, Willis, Wyatt and Zoghby.

—60

Nays:

Reps.: Adams (C), Buskey, Dixon, Hall, Holmes, McKee and Riddick.

—7

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 112. To amend Sections 41-10-20 and 41-10-26 of the Code of Alabama 1975, relating to industrial development authorities, so as to authorize airport authorities organized pursuant to Chapter 3 of Title 4 of the Code of Alabama 1975, or whether created by general, special or local laws, or general laws of local application, if the authority governs an airport operated by a county and at least one municipality therein jointly, to be eligible recipients of funds and assistance from the state industrial development authority.

McDOWELL LEE,
Secretary.

SIGNING OF THE SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill, the title of which is set out in the above and foregoing Message from the Senate.

SPECIAL ORDER RESUMED

And the bill:

H. 542. (With Substitute)(With Amendment): To amend further Section 40-23-1, Code of Alabama 1975, relating to sales and use taxes so as to further define the term, "wholesale sale or sale at wholesale", as it relates to certain tangible personal property or products.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to sales and use taxes; amending Sections 40-23-1 and 40-23-4, Code of Alabama 1975, so as to further define the term "wholesale sale or

sale at wholesale" as it relates to certain tangible personal property or products and to exempt the gross receipts on the sale of wood residue.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 40-23-1 and 40-23-4, Code of Alabama 1975, are hereby amended to read as follows:

§ 40-23-1.

"(a) For the purpose of this division, the following terms shall have the respective meanings ascribed by this section:

"(1) PERSON OR COMPANY. Used interchangeably, includes any individual, firm, copartnership, association, corporation, receiver, trustee or any other group or combination acting as a unit and the plural as well as the singular number, unless the intent is to give a more limited meaning is disclosed by the context.

"(2) DEPARTMENT. The department of revenue of the state of Alabama.

"(3) COMMISSIONER. The commissioner of revenue of the state of Alabama.

"(4) TAX YEAR or TAXABLE YEAR. The calendar year.

"(5) SALE or SALES. Installment and credit sales and the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale.

"(6) GROSS PROCEEDS OF SALES. The value proceeding or accruing from the sale of tangible personal property, and including the proceeds from the sale of any property handled on consignment by the taxpayer, including merchandise of any kind and character without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid or any other expenses whatsoever, and without any deductions on account of losses; provided, that cash discounts allowed and taken on sales shall not be included, and 'gross proceeds of sales' shall not include the sale price of property returned by customers when the full sales price thereof is refunded either in cash or by credit. Said term 'gross proceeds of sales' shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn or used from the business or stock and used or consumed in connection with said business, and shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn from the business or stock and used or consumed by any person so withdrawing the same, except property which has been previously withdrawn from such business or stock and so used or consumed with respect to which property the tax has been paid because of such previous withdrawal, use or consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale and not for the personal and private use or consumption of any person so withdrawing, using or consuming the same.

"(7) TAXPAYER. Any person liable for taxes hereunder.

"(8) GROSS RECEIPTS. The value proceeding or accruing from the sale of tangible personal property, including merchandise and commodities

of any kind and character, all receipts actual and accrued, by reason of any business engaged in, not including, however, interest, discounts, rentals of real estate or royalties, and without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid or any other expenses whatsoever and without any deductions on account of losses. Said term "gross receipts" shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn or used from the business or stock and used or consumed in connection with said business, and shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn from the business or stock and used or consumed by any person so withdrawing the same, except property which has been previously withdrawn from such business or stock and so used or consumed and with respect to which property the tax has been paid because of such previous withdrawal, use or consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale and not for the personal and private use or consumption of any person so withdrawing, using or consuming the same.

"(9) WHOLESALE SALE or SALE AT WHOLESALE. Any one of the following:

"a. A sale of tangible personal property by wholesalers to licensed retail merchants, jobbers, dealers or other wholesalers for resale and does not include a sale by wholesalers to users or consumers, not for resale;

"b. A sale of tangible personal property or products, including iron ore, to a manufacturer or compounder which enter into and become an ingredient or component part of the tangible personal property or products which such manufacturer or compounder manufactures or compounds for sale, whether or not any such tangible personal property or product used in manufacturing or compounding a finished product is used with the intent that it become a component of the finished product, and the furnished container and label thereof;

"c. A sale of containers intended for one-time use only, and the labels thereof, when such containers are sold without contents to persons who sell or furnish such containers along with the contents placed therein for sale by such persons;

"d. A sale of pallets intended for one-time use only when such pallets are sold without contents to persons who sell or furnish such pallets along with the contents placed thereon for sale by such persons;

"e. A sale to a manufacturer or compounder, of crowns, caps and tops intended for one-time use employed and used upon the containers in which such manufacturer or compounder markets his products;

"f. A sale of containers to persons engaged in selling or otherwise supplying or furnishing baby chicks to growers thereof where such containers are used for the delivery of such chicks or a sale of containers for use in the delivery of eggs by the producer thereof to the distributor or packer of such eggs even though such containers used for delivery of baby chicks or eggs may be recovered for reuse;

"g. A sale of bagging and ties used in preparing cotton for market;

"h. A sale to meat packers, manufacturers, compounders or processors of meat products of all casings used in molding or forming weiners and Vienna sausages even though such casings may be recovered for reuse;

"i. A sale of commercial fish feed including concentrates, supplements and other feed ingredients when such substances are used as ingredients in mixing and preparing feed for fish raised to be sold on a commercial basis;

"j. A sale of tangible personal property to any person engaging in the business of leasing or renting such tangible personal property to others, if such tangible personal property is purchased for the purpose of leasing or renting it to others under a transaction subject to the privilege or license tax levied in article 4 of chapter 12 of this title against any person engaging in the business of leasing or renting tangible personal property to others;

"k. A purchase or withdrawal of parts or materials from stock by any person licensed under this division where such parts or materials are used in repairing or reconditioning the tangible personal property of such licensed person, which tangible personal property is a part of the stock of goods of such licensed person, offered for sale by him and not for use or consumption of such licensed person.

"(10) SALE AT RETAIL or RETAIL SALE. All sales of tangible personal property except those above defined as wholesale sales. The quantities of goods sold or prices at which sold are immaterial in determining whether or not a sale is at retail. Sales of building materials to contractors, builders or landowners for resale or use in the form of real estate are retail sales in whatever quantity sold. Sales of building materials, fixtures or other equipment to a manufacturer or builder of modular buildings for use in manufacturing, building or equipping a modular building ultimately becoming a part of real estate situated in the state of Alabama are retail sales, and the use, sale or resale of such building shall not be subject to the tax. Sales of tangible personal property to undertakers and morticians are retail sales and subject to the tax at the time of purchase, but are not subject to the tax on resale to the consumer. Sales of tangible personal property or products to manufacturers, quarry operators, mine operators or compounders, which are used or consumed by them in manufacturing, mining, quarrying or compounding and do not become an ingredient or component part of the tangible personal property manufactured or compounded are retail sales. The term 'sale at retail' or 'retail sale' shall also mean and include the withdrawal, use or consumption of any tangible personal property by anyone who purchases same at wholesale, except property which has been previously withdrawn from the business or stock and so used or consumed and with respect to which property the tax has been paid because of such previous withdrawal, use or consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale and not for the personal and private use or consumption of any person so withdrawing, using or consuming the same; and such wholesale purchaser shall report and pay the taxes thereon.

"(11) BUSINESS. All activities engaged in, or caused to be engaged in, with the object of gain, profit, benefit or advantage, either direct or indirect, and not excepting subactivities producing marketable commodities used or consumed in the main business activity, each of which subactivities shall be considered business engaged in, taxable in the class in which it falls.

"(12) AUTOMOTIVE VEHICLE. A power shovel, dragline, crawler, crawler crane, ditcher or any similar machine which is self-propelled, in addition to self-propelled machines which are used primarily as instruments of conveyance.

"(b) The use within this state of tangible personal property by the manufacturer thereof, as building materials in the performance of a construction contract, shall, for the purposes of this division, be considered as a retail sale thereof by such manufacturer, who shall also be construed as the ultimate consumer of such materials or property, and who shall be required to report such transaction and pay the sales tax thereon, based upon the reasonable and fair market price thereof at the time and place where same are used or consumed by him or it. Where the contractor is the manufacturer or compounder of ready-mix concrete or asphalt plant mix used in the performance of a contract, whether the ready-mix concrete or asphalt plant mix is manufactured or compounded at the job site or at a fixed or permanent plant location, the tax applies only to the cost of the ingredients that become a component part of the ready-mix concrete or the asphalt plant mix. The provisions of this subsection shall not apply to any tangible personal property which is specifically exempted from the tax levied in this division.

"(c) The sale of lumber by a lumber manufacturer to a trucker for resale is a sale at wholesale as such sales are defined herein where the trucker is either a licensed dealer in lumber or, if a resident of Alabama, has registered with the department of revenue and has received therefrom a certificate of such registration or, if a nonresident of this state purchasing lumber for resale outside of Alabama, has furnished to the lumber manufacturer his name, address and the vehicle license number of the truck in which the lumber is to be transported, which name, address and vehicle license number shall be shown on the sales invoice rendered by the lumber manufacturer. The certificate provided for herein shall be valid for the calendar year of its issuance and may be renewed from year to year on application to the department of revenue on or before January 31 of each succeeding year; provided, that if not renewed the certificate shall become invalid for the purpose of this division on February 1."

"§ 40-23-4.

"(a) There are exempted from the provisions of this division and from the computation of the amount of the tax levied, assessed or payable under this division the following:

"(1) The gross proceeds of the sales of lubricating oil and gasoline as defined in sections 40-17-30 and 40-17-170 and the gross proceeds from those sales of lubricating oil destined for out-of-state use which are transacted in a manner whereby an out-of-state purchaser takes delivery of such oil at a distributor's plant within this state and transports it out-of-state, which are otherwise taxed.

"(2) The gross proceeds of the sale, or sales, of fertilizer. The word 'fertilizer' shall not be construed to include cottonseed meal, when not in combination with other materials.

"(3) The gross proceeds of the sale, or sales, of seeds for planting purposes and baby chicks and poults. Nothing herein shall be construed to exempt or exclude from the computation of the tax levied, assessed or payable, the gross proceeds of the sale or sales of plants, seedlings, nursery stock or floral products.

"(4) The gross proceeds of sales of insecticides and fungicides and feed for livestock and poultry, but not including prepared food for dogs and cats.

"(5) The gross proceeds of sales of all livestock by whomsoever sold, and also the gross proceeds of poultry and other products of the farm, dairy, grove or garden, when in the original state of production or condition of preparation for sale, when such sale or sales are made by the producer or members of his immediate family or for him by those employed by him to assist in the production thereof. Nothing herein shall be construed to exempt or exclude from the measure or computation of the tax levied, assessed or payable hereunder, the gross proceeds of sales of poultry or poultry products when not products of the farm.

"(6) Cottonseed meal exchanged for cottonseed at or by cotton gins.

"(7) The gross receipts from the business on which, or for engaging in which, a license or privilege tax is levied by or under the provisions of sections 40-21-50, 40-21-53 and 40-21-56 through 40-21-60; provided, that nothing contained in this subdivision shall be construed to exempt or relieve the person or persons operating the business enumerated in said sections from the payments of the tax levied by this division upon or measured by the gross proceeds of sales of any tangible personal property, except gas and water, the gross receipts from the sale of which are the measure of the tax levied by said section 40-21-50, merchandise or other tangible commodities sold at retail by said persons, unless the gross proceeds of sale thereof are otherwise specifically exempted by the provisions of this division.

"(8) The gross proceeds of sales or gross receipts of or by any person, firm or corporation, from the sale of transportation, gas, water or electricity, of the kinds and natures, the rates and charges for which, when sold by public utilities, are customarily fixed and determined by the public service commission of Alabama or like regulatory bodies.

"(9) The gross proceeds of the sale, or sales of wood residue, coal or coke to manufacturers, electric power companies and transportation companies for use or consumption in the production of by-products, or the generation of heat or power used in manufacturing tangible personal property for sale, for the generation of electric power or energy for use in manufacturing tangible personal property for sale or for resale, or for the generation of motive power for transportation.

"(10) The gross proceeds from the sale or sales of fuel and supplies for use or consumption aboard ships and towing vessels plying the high seas or gulf intracoastal waterway either in intercoastal trade between ports in the state of Alabama and ports in other states of the United States or its possessions or in foreign commerce between ports in the state of Alabama and ports in foreign countries; provided, that nothing in this division shall be construed to exempt or exclude from the measure of the tax herein levied the gross proceeds of sale or sales of material and supplies to any person for use in fulfilling a contract for the painting, repair or reconditioning of vessels, barges, ships and other watercraft of 50 tons burden or less.

"(11) The gross proceeds of sales of tangible personal property to the state of Alabama, to the counties within the state and to incorporated municipalities of the state of Alabama.

"(12) The gross proceeds of the sale or sales of railroad cars, and vessels and barges of more than 50 tons burden, when sold by the manufacturers or builders thereof.

"(13) The gross proceeds of the sale or sales of materials, equipment, and machinery which enter into and become a component part of ships, vessels or barges of more than 50 tons burden, constructed or built within this state.

"(14) The gross proceeds of the sale or sales of fuel oil purchased as fuel for kiln use in manufacturing establishments.

"(15) The gross proceeds of the sale or sales of tangible personal property to county and city school boards, independent school boards and all educational institutions and agencies of the state of Alabama, the counties within the state or any incorporated municipality of the state of Alabama.

"(16) The gross proceeds from the sale of all devices or facilities, and all identifiable components thereof or materials for use therein, acquired primarily for the control, reduction or elimination of air or water pollution and the gross proceeds from the sale of all identifiable components of or materials used or intended for use in structures built primarily for the control, reduction or elimination of air and water pollution.

"(17) The gross proceeds of sales of tangible personal property or the gross receipts of any business which the state is prohibited from taxing under the Constitution or laws of the United States or under the Constitution of this state.

"(18) The gross proceeds of sales amounting to \$1,000.00 a month or less from small stores or vending stands operated by blind persons, as defined in section 1-1-3 provided, that such small business establishment shall be the property of the blind operator or of the business enterprise program for the blind, sponsored jointly by the state department of education and the Alabama institute for the deaf and blind, that the operator shall have filed application for exemption as required in this subdivision and that the blind operator shall have been for a period of two years next preceding the filing of his application for this exemption a bona fide resident of the state of Alabama.

"Any persons claiming exemption hereunder shall file with the commissioner of revenue an application therefor in the form prescribed by the commissioner of revenue, accompanied by a vision certificate from a regularly licensed physician or ophthalmologist.

"Any person who procures a license under the provisions of this subdivision and permits any other person, firm or corporation to engage in or conduct business under this license shall be guilty of a misdemeanor and shall be punished as provided by law; and any person, firm or corporation, not entitled to exemption hereunder, who engages in or conducts business under a license issued to a blind person under the provisions of this subdivision shall be guilty of a misdemeanor and shall be punished as provided by law.

"(19) When dealers or distributors use parts taken from stocks owned by them in making repairs without charge for such parts to the owner of the property repaired pursuant to warranty agreements entered into by manufacturers, such use shall not constitute taxable sales to the manufacturers, distributors or to the dealers, under this division or under any county sales tax law.

"(20) The gross proceeds received from the sale or furnishing of food, including potato chips, candy, fruit and similar items, soft drinks, tobacco products and stationery and other similar or related articles by hospital

canteens operated by Alabama state hospitals at Bryce Hospital and Partlow State School for Mental Deficients at Tuscaloosa, Alabama, and Searcy Hospital at Mt. Vernon, Alabama, for the benefit of the patients therein.

"(21) The gross proceeds of the sale, or sales, of wrapping paper and other wrapping materials when used in preparing poultry or poultry products for delivery, shipment, or sale by the producer, processor, packer or seller of such poultry or poultry products including pallets used in shipping poultry and egg products, paper or other materials used for lining boxes or other containers in which poultry or poultry products are packed together with any other materials placed in such containers for the delivery, shipment or sale of poultry or poultry products.

"(22) The gross proceeds of the sales of all antibiotics, hormones and hormone preparations, drugs, medicines or medications, vitamins, minerals or other nutrients and all other feed ingredients including concentrates, supplements and other feed ingredients when such substances are used as ingredients mixing and preparing feeds for fish raised to be sold on a commercial basis, livestock and poultry. Such exemption herein granted shall be in addition to exemption now provided by law for fee for fish raised to be sold on a commercial basis, livestock and poultry, but not including prepared foods for dogs or cats.

"(23) The gross proceeds of the sale, or sales, of seedlings, plants, shoots and slips which are to be used for planting vegetable gardens or truck farms. Nothing herein shall be construed to exempt, or exclude from the computation of the tax levied, assessed or payable, the gross proceeds of the sale, or the use of plants, seedlings, shoots, slips, nursery stock and floral products, except as hereinabove exempted.

"(24) The gross proceeds of the sale, or sales, of fabricated steel tube sections, when produced and fabricated in this state by any person, firm or corporation for any vehicular tunnel for highway vehicular traffic, when sold by the manufacturer or fabricator thereof, and also the gross proceeds of the sale, or sales, of steel which enter into and become a component part of such fabricated steel tube sections of said tunnel.

"(25) The gross proceeds from sales of admissions to any theatrical production, symphonic or other orchestral concert, ballet or opera production when such concert or production is presented by any society, association, guild or workshop group, organized within this state, whose members or some of whose members regularly and actively participate in such concerts or productions for the purposes of providing a creative outlet for the cultural and educational interests of such members, and of promoting such interests for the betterment of the community by presenting such productions to the general public for an admission charge.

"The employment of a paid director or conductor to assist in any such presentation described in this subdivision shall not be construed to prohibit the exemptions herein provided.

"(26) The gross proceeds of sales of herbicides for agricultural uses by whomsoever sold. The term 'herbicides,' as used in this subdivision, means any substance or mixture of substances intended to prevent, destroy, repel or retard the growth of weeds or plants. It shall include pre-emergence herbicides, postemergence herbicides, lay-by herbicides, pasture herbicides, defoliant herbicides and desiccant herbicides.

"(27) The Alabama chapter of the cystic fibrosis research foundation, and the Jefferson tuberculosis sanatorium and any of their departments or agencies, heretofore or hereafter organized and existing in good faith in the state of Alabama for purposes other than for pecuniary gain and not for individual profit, shall be exempted from the computation of the tax on the gross proceeds of all sales levied, assessed or payable.

"(28) The gross proceeds from the sale or sales of fuel for use or consumption aboard commercial fishing vessels are hereby exempt from the computation of all sales taxes levied, assessed, or payable under the provisions of this division or levied under any county or municipal sales tax law.

"The words 'commercial fishing vessels' shall mean vessels whose masters and owners are regularly and exclusively engaged in fishing as their means of livelihood.

"(29) The gross proceeds of sales of sawdust, wood shavings, wood chips and other like materials sold for use as 'chicken litter' by poultry producers and poultry processors.

"(30) The gross proceeds of the sales of all antibiotics, hormones and hormone preparations, drugs, medicines and other medications including serums and vaccines, vitamins, minerals or other nutrients for use in the production and growing of fish, livestock and poultry by whomsoever sold. Such exemption as herein granted shall be in addition to the exemption provided by law for feeds for fish, livestock and poultry, and in addition to the exemptions provided by law for the above enumerated substances and products when mixed and used as ingredients in fish, livestock and poultry feeds.

"(31) The gross proceeds of the sale or sales of all medicines prescribed by physicians for persons who are 65 years of age or older, and when said prescriptions are filled by licensed pharmacists, shall be exempted under this division or under any county or municipal sales tax law. The exemption provided in this section shall not apply to any medicine purchased in any manner other than as is herein provided.

"For the purposes of this subdivision, proof of age may be accomplished by filing with the dispensing pharmacist any one or more of the following documents:

"a. The name and claim number as shown on a 'Medicare' card issued by the United States social security administration.

"b. A certificate executed by any adult person having knowledge of the fact that the person for whom the medicine was prescribed is not less than 65 years of age.

"c. An affidavit executed by any adult person having knowledge of the fact that the person for whom the medicine was prescribed is not less than 65 years of age.

"For the purposes of this subdivision, any person filing a false proof of age shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of \$100.00.

"(32) There shall be exempted from the tax levied by this division the gross receipts of sales of grass sod of all kinds and character when in the original state of production or condition of preparation for sale, when such sales are made by the producer or members of his family or for him by those

employed by him to assist in the production thereof; provided, that nothing herein shall be construed to exempt sales of sod by a person engaged in the business of selling plants, seedlings, nursery stock or floral products.

"(33) The gross receipts of sales of the following items or materials which are necessary in the farm to market production of tomatoes when such items or materials are used by the producer or members of his family or for him by those employed by him to assist in the production thereof: twine for tying tomatoes, tomato stakes, field boxes (wooden boxes used to take tomatoes from the fields to shed) and tomato boxes used in shipments to customers.

"(34) The gross proceeds from the sale of liquified petroleum gas sold to be used for agricultural purposes.

"(35) The gross receipts of sales from state nurseries of forest tree seedlings.

"(36) The gross receipts of sales of forest tree seed by the state.

"(37) The gross receipts of sales of *Lepedeza bicolor* and other species of perennial plant seed and seedlings sold for wildlife and game food production purposes by the state.

"(b) Any violation of any provision of this section shall be punishable in a court of competent jurisdiction by a fine of not less than \$500.00 and no more than \$2,000.00 and imprisonment of not less than six months nor more than one year in the county jail."

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 60; Nays 0

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Bennett, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Crow, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Johnson (R. G.), Kennedy, Langford, Letson, McMillan, Manley, Minus, Naramore, Patton, Payne, Penry, Rains, Ray, Riddick, Roberts, Seibels, Shavers, Shoemaker, Smith (J), Stewart, Stout, Trammell, Turner, Ward, Warren, Williams, Willis and Wyatt.

—60

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 542 as Substituted on page 4, line 19 after the word "product" by inserting the following:

provided however that it is the intent of this section that no capital equipment, machinery, tools, nor product used for production of the finished product shall be exempt.

And the amendment was adopted.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Crow, Dial, Dixon, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Johnson (R. G.), Kennedy, Laird, Langford, Letson, McMillan, Manley, Minus, Mitchell, Naramore, Olive, Owens, Patton, Penry, Rains, Ray, Reed, Riddick, Roberts, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Turner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—65

AMENDMENT OFFERED

Rep. Turner offered the following amendment to the bill, H. 542 as amended:

Amend House Bill 542 as Substituted on page 4, line 19 after the word "product" by inserting the following:

provided however that it is the intent of this section that no capital equipment, machinery, tools, nor product, except for those materials essential for the reaction process and in direct contact with the intermediate and finished product used for the production of the finished product shall be exempt.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Cosby, Crow, Edwards, Ford, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holmes, Johnson (R. G.), Kennedy, Laird, Langford, Letson, McMillan, Minus, Mitchell, Naramore, Olive, Owens, Patton, Payne, Penry, Rains, Ray, Reed, Riddick, Roberts, Seibels, Shavers, Sheomaker, Smith (C), Smith (J), Stewart, Stout, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—67

And the bill:

H. 542. Relating to sales and use taxes; amending Sections 40-23-1 and 40-23-4, Code of Alabama 1975, so as to further define the term "wholesale sale or sale at wholesale" as it relates to certain tangible personal property or products and to exempt the gross receipts on the sale of wood residue.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Johnson (R. G.), Kennedy, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Tucker, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—80

Nay: Rep. Holley.

—1

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 753. Relating to Jackson County, to raise the compensation of the jury commission and the compensation of the clerk of the commission.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

H. 805. To amend Code of Alabama 1975, §9-11-17 so as to provide the requirements, duties, authority, compensation and method of revoking appointments for deputy game and fish wardens.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Boles, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Holley, Howard,

Johnson (R. G), Kennedy, Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Parker, Payne, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Tucker, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghyb.

—78

And the bill:

S. 197. (With Amendment): To create a Surface Mining Commission with responsibility and authority to conform the State's Regulatory requirements regarding surface mining activities with the Federal Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, 30 U. S. C. 1200 et. seq., and any valid regulation promulgated thereunder, and thereby enable the State of Alabama to assume exclusive jurisdiction over the regulation of surface coal mining and reclamation operations in this State; and thereby to prevent Federal intrusion into land use planning and control and other integral and traditional aspects of the sovereignty of the State of Alabama; and

To make the State eligible for Federal Funding to develop and implement programs to achieve those purposes essential to the best interests of the people of the State of Alabama and those purposes necessary to prevent further Federal encroachment upon those state's rights protected by the tenth amendment of the Constitution of the United States; and

To repeal Act No. 551, S. 887, Regular Session 1975 (Acts of Alabama 1975, p. 1226), The Alabama Surface Mining Reclamation Act of 1975, and all laws or parts of laws which conflict with this Act.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend Senate Bill 197 as passed by the Senate, in Section 28, subsection (d), page 105 of said bill, by deleting the last sentence of said subsection as it appears therein, to-wit:

Payment shall occur after proceedings pursuant to Title 18, Chapter 1, Sections 18-1-13 through 18-1-32, Code of Alabama 1975.

And the amendment was adopted.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Holley, Howard, Johnson (R. G.), Kennedy, Laird, Langford, Letson, Lewis, McMillan, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Pegues, Penry, Rains, Ray, Reed, Riddick, Sasser,

Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Trammell, Turner, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—73

And the bill, S. 197 as thus amended, was read a third time at length and passed.

Yeas 82; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Howard, Johnson (R. G.), Kennedy, Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—82

Nay: Rep. Cheatwood.

—1

And the bill:

H. 20. To amend Section 36-1-4.1, Code of Alabama 1975, which provides for payroll deductions of public employees for certain national health services, so as to include certain other associations within the definitions of charitable organizations as used in this section.

Was taken up.

AMENDMENT OFFERED

Rep. Manley offered the following amendment to the bill, H. 20:

Amend H. B. 20 on page 2, Section (1), line(s) 16 thru 20 by striking all words on lines 16, 17, 18, 19, and 20 on page 2.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Biddle, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Howard, Johnson (R. G.), Kennedy, Laird, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens, Parker, Patton, Payne, Pegues,

REGULAR SESSION
19th Day

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Penry, Ray, Reed, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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And the bill, H. 20 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens, Parker, Patton, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—81

RESOLUTION

The following resolution was introduced:

By Reps. Holmes and Langford:

H. J. R. 239. MOURNING THE DEATH OF FORMER WORLD HEAVYWEIGHT CHAMPION, JOE LOUIS.

WHEREAS, the Legislature of Alabama has been deeply saddened by the death of a native son, Joseph Louis Barrow on April 12, 1981, at the age of 66; and

WHEREAS, known to the world and now to history as Joe Louis, Joseph Louis Barrow was born in Chambers County, Alabama, on May 13, 1914, the eighth child of Munn and Lillie Barrow; and

WHEREAS, from rural Alabama, to the ghettos of Detroit at the age of six, Joe Louis went on to become the world's most famous boxer—a champion in 1937 at the age of 23 who successfully defended his title 25 times to remain at the top for some twelve years; and

WHEREAS, in 71 professional bouts, Joe Louis was defeated only three times, once in 1936 by Max Schmeling of Germany and twice following his retirement as World Champion in come-back matches against much younger opponents Ezzard Charles and Rocky Marciano; and

WHEREAS, in 1938, Joe Louis avenged his loss two years previously to Schmeling in a one-round knockout of Hitler's so-called shining example of Aryan supremacy; and

WHEREAS, it is widely believed that never again will there be a sports hero to equal Joe Louis, whose affectionate nickname, the "Brown Bomber" has become synonymous with "champion"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are truly grievously saddened by the death of Joe Louis and extend our most heartfelt sympathy to his wife, Mrs. Martha Louis, and other family members to whom copies of this resolution shall be sent evidencing our shared grief in the loss of a great and beloved American.

On motion of Rep. Holmes, the rules were suspended and the resolution, H. J. R. 239, was adopted.

CO-SPONSORS ADDED

The following were added as co-sponsors to the resolution, H. J. R. 239:

Reps. Adams (C), Adams (H), Albright, Amari, Bedsole, Bennett, Biddle, Brakefield, Buskey, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Dixon, Drinkard, Edwards, Escott, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Lewis, McKee, McMillan, Minus, Mitchell, Moore, Olive, Parker, Penry, Rains, Ray, Reed, Riddick, Roberts, Seibels, Shavers, Shoemaker, Smith (M), Stewart, Stout, Venable, Waggoner, Ward, Warren, Whatley, Williams and Wyatt.

SPECIAL ORDER RESUMED

And the bill:

H. 742. To provide labeling requirements and marketing procedures for products containing honey; and to provide penalties for violation.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—81

CO-SPONSORS ADDED

Reps. Ray, Grouby and Reed were added as co-sponsors to the bill, H. 742.

H. 60 TEMPORARILY POSTPONED

On motion of Rep. Adams (C), the bill, H. 60, was temporarily postponed.

S. 310 SUBSTITUTED FOR H. 481

On motion of Rep. Bedsole, the bill, S. 310 was substituted for the bill, H. 481.

And the bill:

S. 310. To provide for health insurance claim forms; requiring the State Insurance Commissioner to prescribe standard health insurance claim forms to be used by hospitals; requiring acceptance of such forms by insurers doing business in the State of Alabama; requiring the use of such forms by those agencies of the state which pay providers of health care for hospital and physicians' services.

Was read a third time at length and passed.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Parker, Pegues, Penry, Ray, Riddick, Roberts, Shavers, Shoemaker, Smith (C), Smith (M), Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

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H. 481 INDEFINITELY POSTPONED

And the bill:

H. 481. To provide for health insurance claim forms; requiring the State Insurance Commissioner to prescribe standard health insurance claim forms to be used by hospitals; requiring acceptance of such forms by insurers doing business in the State of Alabama; requiring the use of such forms by those agencies of the state which pay providers of health care for hospital and physicians' services.

Was taken up.

H. 481 INDEFINITELY POSTPONED

On motion of Rep. Bedsole, the bill, H. 481, was indefinitely postponed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 471. To amend Section 16-9-8 of the Code of Alabama 1975, relating to the election of the county superintendent of education, so as to provide for the manner of electing a successor in the event a successful candidate dies or resigns prior to taking office.

by a majority of the whole number elected to the Senate, said vote being Yeas 22, Nays 0.

And said Bill, H. B. 471, as amended by the Executive amendment, was again read at length and passed by a majority of the whole number elected to the Senate, said vote being Yeas 22, Nays 0.

And said Bill, H. B. 471, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

And the bill:

H. 464. To provide for the issuance of distinctive license plates to the recipients of the Medal of Honor.

Was taken up.

AMENDMENT OFFERED

Rep. Dixon offered the following amendment No. 1 to the bill, H. 464:

Amend H. B. 464 on page 1, Section Synopsis, line(s) 10, 17, by adding after the word(s) Medal of Honor the following: or Prisoners of War

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 82; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Stewart, Stout, Trammell, Turner, Venable, Waggoner, Warren, Whatley, Williams, Willis and Zoghby.

—82

Nay: Rep. Wyatt.

—1

AMENDMENT OFFERED

Rep. Dixon offered the following amendment No. 2 to the bill, H. 464 as amended:

Amend H. B. 464 on page 1, Section 1, line 21 by adding after the word(s) Medal of Honor the following: or who is a duly recognized American Prisoner of War,

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 79; Nays 1.

Yeas:

Reps. Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Blake, Boles, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Cooley, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Naramore, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—79

Nay: Rep. Wyatt.

—1

AMENDMENT OFFERED

Rep. Lewis offered the following amendment to the bill, H. 464 as amended:

Amend H. B. 464 on page 1, Section 2, lines 26 and 27 by striking after the word plates the following: but shall be of a and inserting in lieu thereof, the following: , distinguished by the letters MOH or POW, whichever applies,

Further amend H. B. 464 on page 2, Section 5, line 15 by striking after the word The, the following: method of preparation issuance

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 74; Nays 2.

Yeas:

Mr. Speaker, Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Coburn, Cooley, Crow, Daniels, Dial, Dixon, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Horn, Howard, Johnson (R. G.), Johnson (Roy), Laird, Letson, Lewis, McMillan, Minus, Mitchell, Moore, Olive, Owens, Parker, Patton, Payne, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—74

Nays: Reps. Drinkard and Wyatt.

—2

And the bill:

H. 464. To provide for the issuance of distinctive license plates to the recipients of the Medal of Honor or Prisoners of War.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holmes, Johnson (R. G.), Johnson (Roy), Laird, Langford, Letson, Lewis, McMillan, Minus, Mitchell, Moore, Naramore, Olive, Parker, Patton, Payne, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—79

Nay: Rep. Wyatt.

—1

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 464:

Reps. Albright, Amari, Bedsole, Bennett, Blake, Brakefield, Carothers, Carter, Cates, Clark (W), Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Horn, Johnson (R. G.), Johnson (Roy), Laird, Langford, McMillan, Minus, Mitchell, Naramore, Olive, Owens, Parker, Penry, Rains, Ray, Reed, Riddick, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Turner, Venable, Warren, Whatley, Williams, Willis and Zoghby.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Hammett:

H. R. 240. CONGRATULATING MR. AND MRS. GASTON WEEKS ON THE OCCASION OF THEIR GOLDEN WEDDING ANNIVERSARY.

SPECIAL ORDER RESUMED

And the bill:

H. 657. (With Substitute): To amend Section 34-9-6, Section 34-9-7, Section 34-9-9, Section 34-9-18, Section 34-9-19, Section 34-9-20, Section 34-9-42, Section 34-9-43, and Section 34-9-46, Code of Alabama 1975, relating to the practice and teaching of dentistry and providing for the licensing and regulation of persons engaged in the practice and teaching of dentistry, dental hygiene, or the operation of dental laboratories; providing further for the operation of the State Board of Dental Examiners; and to provide penalties for certain violations.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Health, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 34-9-7, Section 34-9-9, Section 34-9-18, Section 34-9-19, Section 34-9-20, Section 34-9-42 and Section 34-9-43, Code of Alabama 1975, relating to the practice and teaching of dentistry and providing for the licensing and regulation of persons engaged in the practice and teaching of dentistry, dental hygiene, or the operation of dental laboratories; providing further for the operation of the State Board of Dental Examiners; and to provide penalties for certain violations.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 34-9-7 of the Code of Alabama 1975 is hereby amended to read as follows:

"§34-9-7.

"Nothing in this chapter shall apply to the following practices, acts and operations:

"(1) The practice of his profession by a physician or surgeon holding a certificate or qualification as a medical doctor and licensed as such under the laws of this state, provided he shall not practice dentistry as a specialty;

"(2) The practice of dentistry in the discharge of their official duties by graduate dentists or dental surgeons in the United States army, navy, air force or other armed services, public health service (provided however, dentists, dental hygienists and other personnel employed by any public health service which performs dental health care for the general public under programs funded in whole or part by the state or federal government shall be subject to all of the provisions of this chapter and the rules and regulations duly promulgated by the Board of Dental Examiners governing the practice of dentistry and dental hygiene in this state), coast guard or veteran's administration; or

"(3) The practice of dentistry by a licensed dentist of other states or countries at meetings of the Alabama Dental Association or components thereof, or other like dental organizations approved by the Board, while appearing as clinicians, or when appearing in emergency cases upon the specific call of dentists duly licensed under the provisions of this chapter; or

"(4) The filling of prescriptions of a licensed and registered dentist, as hereinafter provided, by any person or persons, association, corporation or other entity, for the construction, reproduction or repair of prosthetic dentures, bridges, plates or appliances on a model made by or from impressions taken by a licensed and currently registered dentist, to be used or worn as a substitute for natural teeth; provided, that such person or persons, association, corporation or other entity, shall not solicit or advertise, directly or indirectly, by mail, card, newspaper, pamphlet, radio, television or otherwise, to the general public to construct, reproduce or repair prosthetic dentures, bridges, plates or other appliances to be used or worn as substitutes for natural teeth; or

"(5) The use of roentgen machines or other rays for making radiograms or similar records, of dental or oral tissues under the supervision of a licensed dentist or physician; provided, that such services shall not be advertised by any name whatever as an aid or inducement to secure dental patronage, and

no person shall advertise that he has, leases, owns or operates a roentgen machine for the purpose of making dental radiograms of the human teeth or tissues or the oral cavity, or administering treatments thereto for any disease thereof;

"(6) The giving of a general anesthetic by a nurse anesthetist who administers a general anesthetic under the direct supervision of a duly licensed dentist to a patient who is undergoing dental treatment rendered by said dentist;

"(7) The use of a nurse in the practice of professional or practical nursing, as defined in Sections 34-21-1 through 34-21-26, by a dentist."

Section 2. Section 34-9-9 of the Code of Alabama 1975 is hereby amended to read as follows:

"§34-9-9.

"The term 'proprietor', as used in this chapter, shall not in any way pertain to state, county, municipal or city institutions and shall be deemed to include any person, firm, partnership, or corporation not licensed to practice dentistry who employs one or more dentists, and dental hygienists, or both, in the operation of a dental office; or places in possession of a dentist, dental hygienist or other agent such dental material equipment as may be necessary for the management of a dental office on the basis of a lease or any other agreement for compensation for the use of such material, equipment or offices; or retains the ownership or control of dental equipment, material or office and makes the same available in any manner for the use by a dentist, dental hygienist or other agent; provided, that nothing in this chapter shall apply to bona fide sales of dental equipment or material secured by a chattel mortgage or retention title agreement and; provided further, that this section shall not prohibit or restrict persons, firms or corporations from employing or retaining licensed dentists to furnish dental treatment for their employees or dependents of their employees. A licensed dentist or dental hygienist who enters into any of the above described arrangements with an unlicensed proprietor as defined above may have his license and license certificate suspended or revoked by the Board."

Section 3. Section 34-9-18 of the Code of Alabama 1975 is hereby amended to read as follows:

"§34-9-18.

"The Board may refuse to issue the license or license certificate provided for in this chapter or may suspend or revoke the license of any dentist or dental hygienist, now in force or that shall be hereafter issued, whenever it shall be established to the satisfaction of the Board, after a hearing as hereinafter provided, that any licensed dentist or dental hygienist has been guilty of the following:

"(1) Fraud, deceit or misrepresentation, whether knowingly or unknowingly, in obtaining any license, license certificate, annual registration certificate, money or other thing of value; or

"(2) Gross immorality; or

"(3) Is a menace to the public health or to patients or others by reason of a disease; or

"(4) Is an habitual user of intoxicants or drugs rendering him unfit for the practice of dentistry or dental hygiene; or

"(5) Has been convicted for violation of federal or state narcotics or barbiturate laws; or

"(6) Is guilty of gross negligence in the practice of dentistry or dental hygiene; or

"(7) Is guilty of employing, allowing or permitting any unlicensed person or persons to perform any work in his office which, under the provisions of this chapter, can only be legally done by a person or persons holding a license to practice dentistry or dental hygiene; or

"(8) Willfully or negligently violates the rules of the state department of health or of the Board regarding sanitation; or

"(9) Is guilty of division of fees, or agreeing to split or divide the fee received for dental service with any person for bringing or referring a patient without the knowledge of the patient or his legal representative, except the division of fees between dentists practicing in a partnership and sharing professional fees, or in case of one licensed dentist employing another; or

"(10) Is guilty of professional connection or association with or lending his name to any one who is engaged in the illegal practice of dentistry; or

"(11) Conviction in any court of competent jurisdiction of a felony or a misdemeanor involving moral turpitude; or

"(12) The use of the name "elinie," "institute" or other title that may suggest a public or semipublic activity or

"(13) Is guilty of the publication or circulation, directly or indirectly, of any fraudulent, false or mislead statements as to the skill or methods or practice of himself or of any other person, or

"(14) The advertising of the performance of any dental operation without causing pain, or of the advertising in any manner which tends to deceive or defraud the public; or of the claiming or implying of professional superiority over other practitioners, or the publishing of reports of cases or testimonials of patients in any public advertising media, or the use of advertising in which reference is made to any anesthetic, drug, formula, material, medicine, method, system or mechanical or electrical device used or to be used or the advertising of any free dental services or examinations, or anything else to be given away as an inducement to secure dental patronage, or the advertising of price, cost, charge, fee or terms of credit for the services performed or to be performed, or for material used in or to be used by any person engaged as principal or agent in the practice of dentistry, or the advertising of bargains, cut rates or special values in dental service or productions, or the employment of a solicitor or other agent to obtain patronage, or the advertising of artificial teeth or dentures; or the public exhibition, or use of specimens of dental work; or the use of large display signs, light signs, electric or neon, or any signs, posters or any other media calling attention to the public demonstration of skill or methods, or practicing dentistry upon or along the streets or highways or any place other than the office where the license is known to be regularly engaged in the practice of dentistry, except as provided by this chapter, of the advertising of a guarantee for any dental services, or

"(15) The Board may suspend or revoke the license of any dental hygienist who is found guilty of using or attempting to use in any manner whatsoever any prophylactic lists, call lists, records, reprints, or copies of

same, or information gathered therefrom, of the names of patients whom such dental hygienist served in the office of a prior employer, unless such names appear upon the bona fide call or prophylactic list of her present employer and were caused to so appear through the legitimate practice of dentistry as provided for in this chapter. The Board shall also suspend or revoke the license of any licensed dentist who is found guilty of aiding or abetting or encouraging a dental hygienist employed by him to make use of a so-called prophylactic list, or the calling by telephone or by use of letters transmitted through the mails to solicit patronage from patients formerly served in the office of any dentist employing such hygienists or nurse.

No order of suspension or revocation provided in this section shall be made or entered except after hearing by the Board as provided in this chapter, and such order shall be subject to judicial review as provided by this chapter.

Section 4. Section 34-9-19 of the Code of Alabama 1975 is hereby amended to read as follows:

"§ 34-9-19.

"Any person licensed under this chapter may announce by way of publication in the local press a maximum of three insertions stating the opening, change of place of practice, absence from or return to practice; provided that such card is not greater than three and one half inches in length by two inches in width and must not include more than the dentist's name, title, degree, office location, telephone number and office hours, and residence address and telephone number, if desired, or issue appointment slips to his patients, when the information thereon is limited to matters pertaining to the time and place of appointment and instructions to patients. A dentist shall be allowed to use only non-illuminated signs to advertise his name, the fact that he is engaged in the practice of dentistry, the location of his office and his office hours. These signs shall be limited to a total area of not more than 300 square inches and shall not contain letters more than three inches in height. Such signs may be placed only within the professional office or offices or upon the doors or windows thereof, or on the door or within or upon the buildings or premises in or on which such office or offices are located. No dentist shall permit the placing of his name in any city, commercial, telephone or other public directory or directories in public or office buildings using what is known as display type or type that is in any way dissimilar from the standard in size, shape or color or to use any other device tending to give his name visual prominence over other names listed. Violation of any provision of this section shall subject the dentist to the revocation or suspension of his license."

"(a) For the purpose of this section, the following terms shall have the respective meanings:

"DENTIST—Any person licensed to practice dentistry in this state pursuant to the provisions of this chapter, any association or partnership formed for the purpose of practicing dentistry and any professional corporation or professional unincorporated association formed pursuant to the Code of Alabama 1975, Title 10, Chapters 4 or 10, for the purpose of practicing dentistry.

"ROUTINE DENTAL SERVICE—A dental service may be considered routine for a dentist if it has the following characteristics:

"(1) It is performed frequently in the dentist's practice.

"(2) It is usually provided at a set fee to substantially all patients receiving the service.

"(3) It is provided with little or no variance in technique or materials.

"(4) It includes all professionally recognized components within generally accepted standards.

"ADVERTISEMENT—An advertisement is information communicated in a manner designed to attract public attention to the practice of a dentist as heretofore defined.

"(b) A dentist may provide information regarding himself, his practice, and fixed fees associated with routine dental services in a dignified manner in newspapers, magazines, yellow-page directories, consumer directories, or comparable written publications or broadcast advertising over Federal Communications Commission approved commercial radio or television. The dentist shall have ultimate responsibility for all advertisements which are approved by him, his agents or associates and the dentist shall be responsible for the following:

"(1) Broadcast advertisements shall be recorded, approved by the dentist and a recording of the actual transmission shall be retained by the dentist.

"(2) Written or printed advertisements shall be approved by the dentist and a copy of the publication in which the advertisement is displayed shall be retained by the dentist.

"(3) Other forms of advertisement shall be approved by the dentist and the contents and specifications (where applicable) shall be retained by the dentist.

"(4) Advertising shall include the name of the dentist(s) and the names of all associates.

"(5) Advertising may include the following information:

(i) The dentist's title or degree or designation of any special area of dental practice approved by the American Dental Association in which the dentist has met the existing educational requirements and standards set forth by that association.

"(ii) Office and telephone answering hours, office location, office telephone number and residence address and telephone number.

"(iii) Fixed fees for a specific, routine dental service. (Where complications are likely to arise or where other more expensive services may be required or advised or where special classes or patients such as children are involved, the advertising shall indicate the maximum fee which may be charged.)

"(6) A dentist may use or participate in the use of professional cards, appointment slips or cards, office signs, signs designating location, letterhead, or similar professional notices, only if they are presented in a reasonably dignified manner.

"(c) The following requirements shall be met by a dentist when advertising a routine dental service:

"(1) No range of fee may be advertised for routine dental services.

"(2) Consultation, treatment planning, or treatment for any routine dental service advertised for a specific fee must be made available for a minimum of sixty (60) days following the last day of publication or broadcast of that fee.

"(3) When a routine dental service is advertised as "free", "no charge", "without charge", or such like, such service must be made available at no cost for a minimum of sixty (60) days following the date of the last publication or broadcast of such free service.

"(4) When a patient accepts the treatment plan for a routine dental service which was advertised by the dentist during the previous sixty (60) days for a specific fee, any subsequent dental service which is reasonably and foreseeably related to the advertised routine service must be provided without additional charge, UNLESS the advertisement for the routine dental service includes the following statement: "Additional charges may be incurred for related services which may be required in individual cases."

"(5) Advertisements may not include or use drawings, multi-colored prints, illustrations, animations, portrayals, dramatizations, slogans, music, lyrics, the use of pictures, or demonstrations of skills or methods of practicing dentistry.

"(6) Directly or indirectly offering, giving, receiving or agreeing to receive any fee or other consideration to or from a third party for the referral of a patient in connection with the performance of professional services is prohibited.

"(7) Testimonials and endorsements, including but not limited to, character references, statements of benefits from dental services received, and expressions of the appreciation for dental services shall not be used in any announcement, publicity, or advertisement.

"(8) Promotion of the sale of services, goods, appliances, or drugs in such manner as to exploit the patient for the financial gain of the practitioner or of a third party is prohibited.

"(9) Revealing a patient's personally identifiable facts, data, or information obtained in a professional capacity is prohibited.

"(10) Use of circulars, flyers, matchbooks, mirrors, throw-aways, bumper stickers or such articles to advertise is prohibited.

"(d) The dentist is prohibited from including the following when advertising:

"(1) Statements claiming superiority in the name of a particular method of treatment shall be considered misleading and are prohibited. Such prohibition shall include but not be limited to:

"(i) Statements that a certain dentist is a specialist or specializes in any branch of dentistry unless that speciality is approved by the American Dental Association and the dentist has met the existing educational requirements and standards set forth by the American Dental Association for that approved speciality.

"(ii) Statements such as "quality dentistry", "quality work", "staff of skilled dentists", "skilled employees", or references to uncertified or unlicensed employees.

"(iii) Statements that a certain dentist uses or may use a special material, drug formula, medicine or appliance, that is not available or used by other dentists generally.

"(2) Statements of superior facilities at a certain office are prohibited; for example, "scientifically equipped", "latest modern equipment", "modern offices", "modern methods", "modern devices", or any similar expressions.

"(3) The advertising of performance of any dental operation without causing pain is prohibited.

"(4) False statements including the number of years in practice or in any one location or reference thereto are prohibited.

"(5) The omission from signs, or advertising of the names of any associates or employed licensed dentist is prohibited.

"(6) Statements of any nature that indicate that a certain dentist does all the work himself, when, as a matter of fact, all or part of the work or service is performed by another, are prohibited.

"(7) Statements which indicate the use of any anesthetic, drug, formula, material, method or system which is falsely advertised or misnamed are prohibited.

"(8) Statements that a dentist or a dental group is affiliated with a non-profit or charitable organization are prohibited.

"(e) No dentist shall advertise or solicit patients in a manner that is false or misleading in any material respect.

"(f) No dentist shall publish or circulate, directly or indirectly, any fraudulent, false or misleading statements as to the skill or methods or practice of himself or any other person.

"(g) In the case of advertising no dentists shall cause their name or picture to appear in connection or association with any publication, statement, article or presentation connected with or concerning any aspect of dentistry unless the publication, statement, article or presentation is actually authored, written or prepared by that dentist.

"(h) Violation of any provision of this section shall subject the dentist to the suspension or revocation of his license. No such order of suspension or revocation shall be made or entered except after notice and hearing by the Board as provided in this chapter, and such order shall be subject to judicial review as provided by this chapter."

Section 5. Section 34-9-20 of the Code of Alabama 1975, is hereby amended to read as follows:

"§34-9-20.

"(a) Any person, which word when used in this section shall include all legal entities not licensed to practice dentistry in this state, who shall advertise in any manner to the general public that he can or will sell, supply, furnish, construct, reproduce or repair prosthetic dentures, bridges, plates or other appliances to be used or worn as substitutes for natural teeth, or for the regulation thereof, shall be guilty of a misdemeanor, and the Circuit Courts shall have jurisdiction to enjoin such person from so doing.

"(b) Any such person not licensed to practice dentistry in this state who shall sell or offer any such service or products to the general public shall be guilty of a misdemeanor, and the Circuit Courts shall have jurisdiction to enjoin such person from so doing."

Section 6. Section 34-9-42 of the Code of Alabama 1975, is hereby amended to read as follows:

"§34-9-42.

"The secretary-treasurer of the Board shall give bond in such sum as may be prescribed by the Board, conditioned to faithfully and honestly discharge the duties of said office according to law, which bond shall be made payable to the Board of Dental Examiners of Alabama and held in the custody of the president of said Board. The secretary-treasurer of the Board shall compile an annual report which shall contain an itemized statement of all money received and disbursed and a summary of the official acts of the Board during the preceding year, and said report shall have attached thereto a certified report and audit made by a certified public accountant of the state of Alabama. A copy of said report and audit shall be filed of record in the office of the department of finance of the state of Alabama, and a copy shall be retained by the secretary-treasurer to be rendered upon request, to the dentists at large in the state of Alabama. The Board may affiliate with the American Association of Dental Examiners, may pay dues to the said association and may send all members of the Board to the meetings of said association. Such delegates may receive the per diem herein provided for attending such meetings and reimbursement for necessary expenses audited and allowed by the Board. On or before July 1, 1962, the Board shall send a copy of this section to all licensed dentists in the state of Alabama."

Section 7. Section 34-9-43 of the Code of Alabama 1975 is hereby amended to read as follows:

"§34-9-43.

"The Board shall exercise, subject to the provisions of this chapter, the following powers and duties:

"(1) Adopt such rules for its government as it may deem necessary and proper;

"(2) Prescribe rules for qualification and licensing of dentists and dental hygienists;

"(3) Conduct examinations to ascertain the qualification and fitness of applicants for licenses as dentists and dental hygienists;

"(4) Make rules and regulations regarding sanitation;

"(5) Formulate rules and regulations by which dental schools and colleges shall be approved and formulate rules and regulations by which training, educational, technical, vocational, or any other institution which provides instruction for dental assistants, dental laboratory technicians or any other paradecimal shall be approved;

"(6) Grant licenses, issue license certificates, teacher's permits and annual registration certificates in conformity with this chapter to such qualified dentists and dental hygienists;

"(7) Conduct hearings or proceedings to suspend or revoke a license granted under the authority of this chapter or previous acts;

"(8) Employ such persons as it may deem necessary to assist in carrying out its duties in the administration and enforcement of this chapter, and to provide offices, furniture, fixtures, supplies, printing or secretarial service; expend such funds as may be deemed necessary therefor, and employ an attorney or attorneys, subject to the approval of the attorney general, to advise and assist in the carrying out and enforcing of the provisions of this chapter;

"(9) Investigate violations of the chapter that may come to the knowledge of the board, and institute or cause to be instituted before the board or in a proper court appropriate proceedings in connection therewith;

"(10) Adopt rules and regulations to carry out and make effective the provisions of this chapter; and

"(11) Publish annually the rules and regulations promulgated by the board, a copy of the Dental Practice Act and a list of all persons licensed to practice under this chapter;

"(12) Attend such meetings, seminars, work shops, or events that may in any way improve the function and efficiency of the board or improve the board's ability to enforce and carry out the provisions of this chapter.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Bennett, Blake, Boles, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Holley, Horn, Howard, Laird, Langford, McKee, McMillan, Manley, Naramore, Olive, Owens, Patton, Penry, Rains, Ray, Riddick, Roberts, Sasser, Shavers, Shoemaker, Stewart, Trammell, Turner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

And the bill:

H. 657. To amend Section 34-9-7, Section 34-9-9, Section 34-9-18, Section 34-9-19, Section 34-9-20, Section 34-9-42 and Section 34-9-43, Code of Alabama 1975, relating to the practice and teaching of dentistry and providing for the licensing and regulation of persons engaged in the practice and teaching of dentistry, dental hygiene, or the operation of dental laboratories; providing further for the operation of the State Board of Dental Examiners; and to provide penalties for certain violations.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Laird, Langford, Letson, Lewis, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Penry, Rains, Reed, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (M), Stewart, Trammell, Turner, Venable, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

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And the bill:

H. 60. To amend Section 23-1-41 of the Code of Alabama 1975 which provides for insurance to employees of the state highway department who may be killed or injured in the line and scope of their employment so as to provide for a self-insurance program for such employees; to provide for administration of such program with state highway department personnel; to provide for the financing of such program with highway department funds; to provide for retroactive effect to February 1, 1980 and to provide that any reinsurance policies in effect on the effective date of this Act shall continue in force until September 30, 1981.

Which previously was temporarily postponed, was read a third time at length and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Crow, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Naramore, Olive, Owens, Parker, Patton, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Stewart, Trammell, Turner, Venable, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—81

And the bill:

H. 662. To amend section 41-16-51, Code of Alabama 1975, as amended, relating to competitive bids so as to exempt purchases of Local Housing Authorities organized under Chapter 1, Title 24, Code of Alabama 1975, from monies other than those raised by state, county or city taxation or received through appropriations from state, county or city sources.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 11.

Yeas:

Reps.: Albright, Amari, Bedsole, Blake, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Crow, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Gregg, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holmes, Howard, Johnson (R. G.), Lewis, McMillan, Minus, Owens, Parker, Payne, Penry, Ray, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Turner, Venable, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

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Nays:

Reps.: Barton, Brakefield, Greer, Holley, Johnson (Roy), Laird, McKee, Moore, Patton, Rains and Trammell.

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PERMISSION GRANTED

Permission was granted for the Journal to show Rep. Jackson not voting on the bill, H. 662, due to conflict of interest.

H. 282 TEMPORARILY POSTPONED

On motion of Rep. Crow, the bill, H. 282, was temporarily postponed.

And the bill:

H. 806. To provide for and create the Huntsville-Madison County Racing Commission, for the regulating, licensing and supervision of Greyhound racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the commission; to provide for and regulate the parimutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of the Act; to provide certain penalties for the violation of this Act and for other purposes relative thereto; and to provide for a referendum of the voters of the county on the question of whether the Act will become effective in the county.

Was taken up.

SUBSTITUTE OFFERED

Rep. Gregg offered the following substitute to the bill, H. 806:

A BILL
TO BE ENTITLED
AN ACT

To provide for and create the Huntsville-Madison County Racing Commission, for the regulating, licensing and supervision of greyhound racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the Commission; to provide for and regulate the parimutuel or certificate method of wagering within the enclosure of licensed racetracks; to provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of the Act; to provide certain penalties for the violation of this Act and for other purposes relative thereto; and to provide for a referendum of the voters of the county on the question of whether the Act will become effective in the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The Huntsville-Madison County Racing Commission is hereby created and established and is vested with the powers and duties specified in this Act, and all other powers necessary and proper to enable it to execute fully and effectually the purposes of this Act. The official name of said commission shall be The Huntsville-Madison County Racing Commission, the same being sometimes referred to herein as the Racing Commission or the Commission. Said Commission shall consist of three persons who shall be appointed by the legislative delegation that represents Madison County in the House and in the Senate for the State of Alabama. The terms of the Commission shall be for six (6) years, provided, however, that the original terms shall expire as follows: One term on February 1, 1984, one term on February 1, 1986, and one term on February 1, 1988. The initial appointment of the Commission shall be made within 15 days after this Act becomes operative. If a vacancy occurs for any reason, then that position shall be filled within 30 days for the unexpired term and that commissioner shall be chosen in the same manner as other commissioners are appointed. All books, records, maps, documents, and papers shall constitute public records, and be available for copying, examination and inspection during all normal business hours by any official agency or person.

Section 2. The members of the Commission shall be qualified electors of Madison County who shall have resided in Madison County for a period of five years next preceding their appointment. Each commissioner shall take the same constitutional oath of office as other City of Huntsville, Alabama, officials and shall give bond payable to the city in the amount of Five Thousand Dollars (\$5,000.00) with the condition that he will faithfully and properly perform the duties of his office. The premiums on such bonds shall be paid by the Commission. The Commission may employ such assistants and employees as may be necessary who shall be paid out of funds deposited in the city treasury to the credit of the Racing Commission.

A member of the Racing Commission must not be an official member of any board of directors, or person financially interested in any racetrack or race meeting licensed by the Commission, nor shall he race dogs in any race meeting licensed by the Commission. No member of said Racing Commission, directly or indirectly, shall make any contribution whatsoever to any political party or to any candidate for any state, county, or municipal office. If any member of said Racing Commission violates the provisions of this Section, such member shall be subject to removal from office.

Section 3. The compensation of each member of the Commission shall be One Thousand Two Hundred Fifty Dollars (\$1,250.00) per month. One member of said Commission shall be required to be in attendance at each race event. Each commissioner who attends a racing event while engaged in the performance of his duties or in traveling outside the county on the business of the Commission shall receive an additional Thirty Dollars (\$30.00) per diem. The above sums shall be paid out of the funds of the city treasury deposited to the credit of The Huntsville-Madison County Racing Commission and shall be paid to the commissioners in the same manner as the compensation of other city officials is paid.

Section 4. The treasurer of the City of Huntsville shall serve as ex-officio treasurer of the Racing Commission, and shall collect all the license fees, taxes, and monies provided in this Act, and shall supervise, check and audit the operation of the pari-mutuel wagering pools and the conduct and distribution thereof.

Section 5. The Racing Commission shall have the authority to employ legal counsel of its selection to advise the Commission and represent it in all proceedings. The compensation of such counsel shall be paid out of funds deposited in the city treasury to the credit of the Racing Commission.

Section 6. It shall be the duty of the Racing Commission to carry out the provisions of this Act; and it shall have the following specific duties:

(A) To fix and set dates upon which race meetings may be held or operated.

(B) To make an annual report to the City of Huntsville and County of Madison for its operation, showing its own actions and rulings, and receipts derived under the provisions of this Act, and such suggestions as it may deem proper for the more effective accomplishment of the purpose of this Act.

(C) To require each applicant, who must have been a resident of the State of Alabama at least five years immediately preceding the date the license is issued, to set forth on his application for a license to operate a race meeting the following information:

(1) The full name of the person, association, or corporation; and, if a corporation, the name of the state under which the same is incorporated, and the name of the corporation's agents for service of process within the State of Alabama.

(2) If an association or corporation, the names of the stockholders and directors of the corporation or the names of the officers and directors of the association.

(3) The exact location where it is desired to conduct or hold a race meeting and a complete set of architect's renderings and detailed construction plans, showing the site topography, the type of construction, the track design and the concession plans, together with a statement of the assets and liabilities of the person, firm, association or corporation making such application.

(4) Whether the racing plant is owned or leased, and if leased, the name and address of the owner, or if the owner is a corporation, the names of the officers and directors thereof. The owners or officers and directors shall have been a resident of the State of Alabama for at least five years immediately preceding the date on which the license is issued; provided, however, that

nothing in this Act shall prevent any person, association, or corporation otherwise herein qualified from applying to the Commission for a permit to conduct races where the racing plant has not been constructed.

(5) The kind of racing to be conducted and the dates requested.

(6) Such other information as the Commission may require.

(D) To require an oath of every applicant, or by the president or executive officer of the association or corporation, stating that the information contained in the application is true.

(E) To make uniform rules and regulations governing the holding, conducting and operating of all racetracks, race meetings, and races held in the county.

(F) To maintain all books, records, maps, documents and papers of the Commission, including those filed with the Commission as well as those prepared by or for it, as public records which shall at all times be open for the personal inspection of any officer of the State of Alabama or of any county, municipality, or other subdivision of the state, or of any official investigative body or committee, and no person having charge or custody thereof shall refuse this right to any officer or investigative body or committee, and it shall be the express duty of such person to assist such officer or committee in locating records or information desired by them.

Section 7. Any person, association, or corporation desiring to operate a racetrack in the county and holding license from the Commission shall have the right, subject to the provisions of this Act, to hold and conduct one or more race meetings at such track each year, provided that no such license shall be granted to any person, association, or corporation, or to any track, for a period longer than two hundred fifty (250) racing days in any one year. Any and all applicants for license to operate under this Act shall have been residents of the State of Alabama for at least five years immediately preceding the date on which such license is issued.

Section 8. No race or racing shall be permitted on Sunday. No person under eighteen years of age shall be employed in any manner about said track; nor shall persons under eighteen years of age be permitted to attend any race.

Section 9. On or before the first day of December of each year, any person, association, or corporation possessing the qualifications prescribed in this Act shall have the right to apply to the Racing Commission for a permit or license to conduct race meetings and racing under this Act. On or before the first day of January of each year, after the receipt of any such application, the Commission shall convene to consider and act upon all permits or licenses applied for. Provided, however, applications for the initial permit or license shall be accepted by the Racing Commission on or before 30 days after this Act becomes operative and the Racing Commission shall convene to consider and act upon all initial permits or licenses applied for on or before 60 days after this Act becomes operative. Approved permits or licenses shall be granted for a period of not less than one year, nor more than five years from the date of issuance and shall set forth in addition to any other information prescribed by the Commission the name of the licensee, the location of the racetrack, the duration of the race meeting and the kind of racing desired to be conducted and shall show the receipt by the Commission of the license fee set by the Commission, the setting of which is hereby authorized, provided, however, said license fee shall not exceed One Thousand Dollars (\$1,000.00).

No such license shall be transferable nor shall it apply to any other place, track, or enclosure except the one specified in said license. The Commission shall not issue any license which would permit any two racetracks in the county to operate on the same racing days. After the initial license has been issued to the licensee, all subsequent applications for a license by the licensee shall be accompanied by proof (in such form as the Commission may require) that said licensee still possesses the qualifications set out in this Act. Such applications for renewal of license shall not be denied except for due cause.

Section 10.

(A) Any licensee of a racetrack shall appoint and employ sufficient and suitable persons to act as a security force to keep intruders off of licenses racetracks, to prevent trespass thereon and damage to property and grounds, to remove trespassers, to enforce the rules and regulations of the Commission, and to enforce the laws of the State of Alabama upon any racetrack premises. Such persons shall be charged with all duties and invested with all powers of peace officers, and may eject trespassers without a warrant, arrest any person guilty of disorderly conduct, trespass, if after being ordered to leave the racetrack premises, the person refuses to do so, or for the violation of any law of the State of Alabama which shall occur on racetrack premises, and be committed in their presence. Any person so arrested shall be carried before the nearest committing magistrate and charged upon affidavit with the offense committed. Provided, however, that such persons so employed shall not be considered to be peace officers for any purpose other than to execute the provisions hereof and shall not be considered to be peace officers for the purpose of any general law of the State of Alabama.

(B) The jurisdiction of the security force provided for hereby shall include the racetrack premises and all related facilities, and the said peace officers shall cooperate with other law enforcement officers having coextensive jurisdiction.

Section 11. The Commission is empowered to compel the production of any and all books, memoranda, or documents showing the receipts, disbursements, and any other financial transactions of any person, association or corporation licensed to conduct race meetings under the provisions of this Act. The Commission shall have the power to require that the books and financial or other statements or records of any licensee be kept in a manner and method provided by the Commission; and the Commission shall be authorized to visit, investigate, and place auditors and inspectors in the office, tracks, or place of business of any person, association or corporation licensed under this Act. The Commission shall have the power to summon witnesses before its meetings; to administer oaths to such witnesses, and to require testimony on any issue before it. Subpoenas shall be issued as in civil cases by the Circuit Clerk of Madison County at the request of the Commission to compel the attendance of witnesses and the production of records. And, in addition to all powers that may exist otherwise to compel obedience to any such subpoena, the failure of any person upon being summoned to appear and testify before the Commission, or the failure to produce any book, record or document and testify with regard thereto, shall be grounds for the immediate suspension or revocation of the license of any licensee whose officer or agent has refused to appear and testify or produce records as requested by the Commission, and shall also be grounds for the Commission to require the immediate discharge of any employee of any licensee responsible for such failure or refusal.

Section 12. The Commission shall have and is hereby vested with full power and authority to regulate and control all activities involved in, related to and conducted on any racetrack licensed by the Commission. And, without limitation to the generality of the foregoing, the Commission shall have the following specific powers: (1) to grant, refuse, suspend or withdraw licenses of any licensee; (2) to regulate and control all pari-mutuel wagering activities conducted on any licensed racetrack; (3) to approve or disapprove the employment of all employees of the licensee, and all persons connected with the racetrack, including the security force, gate keepers, announcers, ushers, starters, officials, drivers, dog owners, agents, trainers, grooms, stable foremen, exercise boys, veterinarians, valets, sellers of racing forms or bulletins, and attendants in connection with the wagering machines, and no person disapproved by the Commission shall be employed, or continued in employment, to perform any such work on any racetrack licensed hereunder; (4) to establish standards of conduct for all patrons admitted to any racetrack facility; (5) prohibit for such uniform reasons as the Commission may establish, any person from being admitted to a licensed racetrack; (6) to direct, for such uniform reasons as the Commission may establish, the removal of any person from a licensed racetrack.

(A) In and about the exercise of the powers hereby vested in it, the Commission shall adopt all necessary rules and regulations. All such rules and regulations adopted by the Commission shall be uniformly enforced and shall make adequate provision to insure that any person charged with the violation thereof shall receive notice of the charged violation, and an appropriate opportunity to face and examine any accuser, call witnesses, and present evidence related thereto.

(B) In and about the enforcement of this Act, and of any rule or regulation promulgated by the Commission, the Commission may exercise any or all of the powers granted to it under the terms of this Act, and any other power reasonably necessary to carry into effect the intent of this Act and to compel compliance with and obedience to the terms of this Act and any rule or regulation promulgated by the Commission. Further, and without restricting the generality of the foregoing, any person who shall violate any provision of this Act, or who shall fail to perform any duty imposed hereby, or who shall violate any rule or regulation of the Commission or fail to perform any duty imposed thereby shall be deemed to be a trespasser and may be summarily removed from the racetrack premises, and may be denied admission to the racetrack premises and may be prohibited from engaging in any pari-mutuel betting conducted on the racetrack premises either permanently, or for such period of time as the Commission may fix and determine.

Section 13. The Commission shall make rules governing, permitting, and regulating the wagering on dog races under the form of mutuel wagering by patrons known as "Pari-Mutuel Wagering," which method shall be to the extent that, and so long as, the same is carried on and conducted strictly in conformity with this Act and not otherwise. Only the persons, associations or corporations receiving a license from the Commission shall have the right or privilege to conduct this type of wagering and the licenses shall restrict and confine this form of wagering to a space within the race meeting grounds. No other form of wagering on the result of a dog racing is authorized by this Act.

No person or corporation shall directly or indirectly purchase pari-mutuel tickets or participate in the purchase of any part of a pari-mutuel pool for another for hire or for any gratuity and no person shall purchase any part of a pari-mutuel pool through another, wherein he gives or pays directly or indirectly such other person anything of value.

In addition to other rules and regulations that may be promulgated by the Racing Commission, the following shall be complied with by the licensee or operator of the race plant and employees thereof.

(A) A duly licensed veterinarian shall be on the grounds at weighing time and make examination of the physical condition of each greyhound, and any dog not considered to be in good physical condition shall be reported to the presiding official.

(B) Public liability insurance shall be carried with a company approved by the insurance commissioner to do business in the State of Alabama in an amount approved by the Racing Commission.

(C) All racing events shall be concluded by midnight.

(D) A pari-mutuel ticket shall not be sold to an individual who is visibly inebriated.

Section 14. Every licensee conducting race meetings under the provisions of this Act shall pay to the ex-officio treasurer of the Racing Commission for the use of the Commission, a tax in an amount equal to four percent (4%) of the total contributions to all pari-mutuel pools conducted or made on any racetrack licensed under this Act. The commission of a licensee on a pari-mutuel pool shall in no event exceed eighteen percent (18%) of the amount contributed to said pari-mutuel pool, which amount shall include the four percent (4%) tax heretofore provided. After the deduction of the four percent (4%) for the use of the Commission and the percentage commission of the licensee, the remainder of the total contributions to each pool shall be divided among and redistributed to the contributors to such pools betting on the winning dog. The amount of each redistribution for each winning bet placed shall be determined by dividing the total amount remaining in the pool after the deductions hereinabove provided for by the number of bets placed on the winning dog. Each redistribution shall be made in a sum equal to the next lowest multiple of ten. The licensee is entitled to retain the odd cents of all redistributions to be known as the "breaks to a dime," and all monies represented by any unclaimed, uncashed or abandoned pari-mutuel tickets known as "outs" money. Under the pari-mutuel system of wagering herein provided, the licensee shall be permitted to provide separate pools for bets to win, place and show and also a daily-double pool, a quiniela pool and a double-quiniela pool. Each pool shall be redistributed separately as herein provided. Should there be no ticket bet on the winning dog, the entire pool will be divided among the holders of tickets on the dog running next in line until the pool has been redistributed to the contributors. The licensee shall be required to use computerized equipment to record the wagering and compute the odds. Rules and regulations governing the operation of each of the pools shall be set out in book form by the Racing Commission. The licensee shall collect from each person attending the race meetings under the provisions of this Act fifteen percent (15%) of the established admission price, or ten cents, whichever sum is the greater, as an admission tax. Licensees shall make payment of such taxes to the ex-officio treasurer of the Racing Commission every seventh calendar day of any and every race meeting, which payment shall be accompanied by a report on the races covered by such report and such other information as the Commission may require.

Section 15. If any free passes or complimentary cards shall be issued to guests by any licensee, such licensee shall nevertheless be responsible for payment of the admission tax upon such complimentary admission cards or passes as though they had been sold at regular admission price. However,

- nothing herein contained shall be construed to prohibit the issuance of tax-free passes to officials and actual employees of the licensee, or other persons actually engaged in working at such track, including persons actually employed and accredited by the press or other news services; provided that the issuance of all such tax-free passes shall be governed by the regulations and orders of the Commission and a list of all such officers, employees, and news-service representatives shall be filed with the Commission.

Section 16. The license fees, commissions, and excise taxes imposed herein shall be in lieu of all license, excise, and occupational taxes to the State of Alabama, or any county, city, town or other political subdivision thereof.

Section 17. All fees, commissions, taxes and other monies, including fines and forfeitures received under the provisions of this Act, shall be paid to the treasurer of the City of Huntsville, Alabama, and deposited by said treasurer in the city treasury to the account of The Huntsville-Madison County Racing Commission. All such monies remaining after payment of expenses incurred in the administration of this account, including the payment of salaries and expenses of the members and employees of this Commission shall be distributed as follows:

(A) Fifty percent (50%) of the monies shall be paid monthly to the Board of Education of the City of Huntsville, Alabama, and the Board of Education of Madison County, Alabama. The monies shall be divided based upon the average daily membership of each school system.

(B) Ten percent (10%) of the monies shall be paid semiannually to the general fund of Madison County, Alabama.

(1) Fifty percent (50%) of this amount shall remain unearmarked and may be used in any manner provided by law, for the benefit of the citizens of Madison County by the county governing body thereof, and

(2) Twenty-five percent (25%) of this amount shall be paid to Alabama A & M University, and

(3) Twenty-five percent (25%) of this amount shall be paid to University of Alabama in Huntsville.

(C) Twenty percent (20%) of the monies shall be paid semiannually to the municipalities of Madison County on a per-capita basis according to the population figures of the last Federal census.

(D) Twenty percent (20%) of the monies shall be paid semiannually to the treasury of the City of Huntsville general fund to be allocated and spent in the following prescribed manner:

(1) Twenty percent (20%) of this amount shall be paid to the Huntsville Hospital, Inc.

(2) Five percent (5%) of this amount shall be used by the city governing body for law enforcement in the city.

(3) Four percent (4%) of this amount shall be paid to Huntsville-Madison County Library.

(4) Three percent (3%) of this amount shall be paid to the Huntsville-Madison County Mental Health Center.

(5) Thirty percent (30%) of this amount shall be paid to the general fund of Madison County to be spent for the following specific purposes:

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(a) Three percent (3%) shall be used by the county governing body for law enforcement in the county.

(b) Three percent (3%) shall be paid to the Madison County Health Department.

(c) Fifteen percent (15%) shall be paid to Madison County Association of Volunteer Fire Departments.

(d) One percent (1%) shall be used to improve and/or expand the county parks and recreation areas.

(e) Eight percent (8%) shall be used for the general fund that shall remain unearmarked and may be used in any manner provided by law, for the benefit of the citizens of Madison County.

(6) Thirty-eight percent (38%) of this amount to remain unearmarked and be used in any manner provided by law for the benefit of the citizens of the City of Huntsville, Alabama, by the governing body thereof.

(E) If any of the agencies receiving funds under this section cease to exist, or should it be determined unlawful for any of the agencies to receive such funds, then the funds allocated thereto shall immediately accrue to the general fund from which the monies were to have been disbursed and respective governing bodies may appropriate and spend the money for any lawful purpose.

Section 18. No person who engages in the practice of professional gambling on greyhound racing, or in the practice of making gambling or wagering books on such races, or who knowingly takes any part in such practices, shall be eligible as an applicant for any license or permit to operate a racetrack or a race meeting under the provisions of this Act, or to be connected therewith in any capacity, and any association or corporation which has as an officer, director, stockholder, executive, or knowingly employs any person who engages in such practices shall likewise be ineligible as a licensee, and the Commission is hereby empowered to inquire into such matters in entertaining any such applications and otherwise in administering this Act.

Section 19. It shall be a violation of this Act for any person to influence or attempt to influence or have any understanding or connivance with any owner, groom, or other person associated with or interested in any kennel, greyhound, or race in which any greyhound participates, to prearrange or predetermine the results of any such race, or to stimulate or depress, or attempt to stimulate or depress a greyhound for the purpose of affecting the results of a race.

Section 20. It shall be a violation of this Act for any person to transmit or communicate to another by any means whatsoever the results, changing odds, track conditions, or any other information relating to any greyhound race from any racetrack in this county, between the period of time beginning one hour prior to the first race of the day and ending thirty minutes after the posting of the official results of each race, as to that particular race, except that this period may be reduced to permit the transmitting of the results of the last race each day not sooner than fifteen minutes after the official posting of such results. Provided, however, that the Commission may, by rule, permit the immediate transmission by radio, television, or press wire of any pertinent information concerning feature races.

Section 21. The Racing Commission shall extend said limitations of time for greyhound racing not to exceed two (2) days at any one track beyond the

period otherwise provided by law so that any track shall conduct a charity day or days of racing for any one or more recognized charity in Madison County which has a tax exempt status as provided for under the Internal Revenue Code. The total of all profits derived from the operation of such racing on such charity days, including all monies which would otherwise be received by the Racing Commission as taxes for such days' operations; shall be and become a part of the charity trust fund for which such racing on such days is conducted. The charity trust fund shall be administered as directed by the Racing Commission.

In determining profits derived from such racing on such charity days, which profits shall include all taxes payable to the county or any agency thereof for such days' operations. Said tracks shall only be entitled to deduct from the profits accruing from all receipts on such charity days of racing their actual operating costs, which costs shall be those expenses incurred by the racetrack solely by reason of holding said charity days of racing and shall not be deemed to include such expenses constant from day to day and which would have been incurred had the race on that day not been held, including, but not limited to, such items as capital expenditures, interest on debts, real estate taxes, and annual license fee, donations, bad debts, and such other items of daily or prorated expense as the Racing Commission may by rule prescribe.

Section 22. It is the intent of this Act to improve the economic well-being of the citizens of Madison County by providing an increased tax base, jobs for the citizens herein, and promotion of tourism and recreation in Madison County. It is further the intent of this Act to provide for strict local control of the racing plant or plants and the operation of said plants by Madison County citizens so as to minimize the possibility of undesirable gambling elements from ever controlling this industry.

Section 23. The county governing body of Madison County shall call and provide for holding a referendum for the purpose of determining if this Act shall become operative. The referendum shall be held not less than thirty (30) days, no more than sixty (60) days after the effective date of this Act, and shall be advertised, held, conducted and the results thereof canvassed in the manner provided by law for advertising, holding, and canvassing county bond elections. The question to be voted on shall be stated on the ballots or voting machine tabs substantially as follows:

"Do you favor the creation of the Huntsville-Madison County Racing Commission to regulate licensing and supervision of greyhound racing and wagering thereon as provided in Act No. _____ approved _____, 1981?"

If the majority of the votes cast in the referendum are "Yes", greyhound racing shall be legal in Madison County and this Act shall become operative therein; if the majority of the votes cast in the election are "No", this Act shall have no further effect. The probate judge of Madison County shall certify the results of the referendum to the Secretary of State of Alabama within thirty (30) days after the election returns are canvassed.

Section 24. If any provision, paragraph or part of this Act shall be declared invalid, unconstitutional or void, the balance of this Act shall remain in full force and effect.

Section 25. All laws or parts in conflict with this Act are repealed.

Section 26. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 42; Nays 6.

Yeas:

Mr. Speaker, Albright, Bedsole, Blake, Bowling, Buskey, Cabaniss, Cheatwood, Clark (W), Cobb, Coburn, Daniels, Drinkard, Escott, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Hall, Harper (O), Harper (T), Holmes, Horn, Howard, Johnson (Roy), Kelley, McMillan, Owens, Patton, Penry, Reed, Seibels, Smith (M), Stewart, Tucker, Turner, Waggoner, Whatley, Willis and Zoghby.

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Nays: Reps. Grouby, Johnson (R. G.), Ray, Trammell, Ward and Wyatt.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 806 TEMPORARILY POSTPONED

On motion of Rep. Gregg, the bill, H. 806 as amended, was temporarily postponed.

Yeas 39; Nays 31.

Yeas:

Mr. Speaker, Albright, Barton, Bedsole, Bowling, Buskey, Cabaniss, Carothers, Carter, Clark (W), Coburn, Cooley, Escott, Ford, Gilmer, Goodwin, Greer, Gregg, Hall, Harper (T), Horn, Howard, Johnson (Roy), Kelley, Kennedy, Langford, Letson, McMillan, Patton, Reed, Roberts, Sasser, Seibels, Shavers, Smith (M), Stewart, Tucker, Turner and Zoghby.

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Nays:

Reps. Adams (C), Blake, Brakefield, Cates, Cheatwood, Clark (G), Cobb, Cosby, Edwards, Grouby, Harper (O), Holley, Holmes, Johnson (R. G.), Laird, McKee, Manley, Mitchell, Olive, Parker, Pegues, Penry, Rains, Ray, Shoemaker, Smith (C), Trammell, Turnham, Ward, Warren and Whatley.

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And the bill:

H. 282. (With Amendment): To provide that law enforcement officers employed by the Department of Conservation and Natural Resources and law enforcement officers or investigators employed by the Alcoholic Beverage Control Board may retain their badge, pistol and such other equipment as the department may designate upon their retirement.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Natural Resources, said committee amendment being as follows:

Amend H. B. 282 on page 1, lines 20 and 29, after the word "badge" by striking the comma and adding in lieu thereof the word and

Further amend H. B. 282 on page 1, lines 20 and 29 by adding a period after the word "pistol"

Further amend H. B. 282 on page 1, lines 21 and 22 by striking the following: and such other equipment as the department may designate upon their retirement.

Further amend H. B. 282 on page 1 lines 29, 30 and 31, by striking the following: and such other equipment as the Department of Conservation and Natural Resources of the Alcoholic Beverage Control Board, respectively, may designate.

And the amendment was adopted.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Barton, Bedsole, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Drinkard, Edwards, Gilmer, Goodwin, Greer, Grouby, Hall, Harper (T), Holmes, Howard, Johnson (R. G.), Johnson (Roy), Laird, McKee, McMillan, Manley, Minus, Mitchell, Moore, Owens, Patton, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stewart, Stout, Trammell, Turner, Venable, Whatley, Wyatt and Zoghby.

—56

S. 204 SUBSTITUTED FOR H. 282

On motion of Rep. Crow, the bill, S. 204, was substituted for the bill, H. 282 as amended.

And the bill:

S. 204. To provide that law enforcement officers employed by the Department of Conservation and Natural Resources and law enforcement officers or investigators employed by the Alcoholic Beverage Control Board may retain their badge, pistol and such other personal equipment as the department may designate upon their retirement.

Was taken up.

AMENDMENT OFFERED

Rep. Crow offered following amendment to the bill, S. 204:

Amend Senate Bill 204 on page 1, lines 20 and 29, after the word "badge" by striking the comma and adding in lieu thereof the word and

Further amend Senate Bill 204 on page 1, lines 20 and 29 by adding a period after the word "pistol"

Further amend Senate Bill 204 on page 1, lines 21 and 22 by striking the following: and such other equipment as the department may designate upon their retirement

Further amend Senate Bill 204 on page 1, lines 29, 30 and 31, by striking the following: and such other equipment as the department of Conservation and Natural Resources of the Alcoholic Beverage Control Board, respectively, may designate.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Bedsole, Blake, Boles, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Holmes, Howard, Johnson (R. G.), Laird, McMillan, Manley, Olive, Owens, Patton, Payne, Penry, Rains, Ray, Roberts, Seibels, Shoemaker, Smith (C), Stewart, Stout, Trammell, Turner, Venable, Whatley, Williams, Willis, Wyatt and Zoghby.

—59

AMENDMENT OFFERED

Rep. Warren offered the following amendment to the bill, S. 204 as amended:

Amend S. B. 204, page 1, Section 2, line 32, 33 by striking immediately and inserting in lieu thereof after the word "effective" retroactive to October 1, 1978

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 56; Nays 0.

Yeas:

Reps. Albright, Bedsole, Boles, Bowling, Brakefield Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Holmes, Howard, Johnson (R. G.), Laird, McKee, McMillan, Manley, Parker, Payne, Penry, Rains, Ray, Roberts, Shavers, Smith (C), Stewart, Stout, Trammell, Turner, Venable, Warren, Whatley, Williams, Willis, Wyatt and Zoghbt.

—56

And the bill, S. 204 as thus amended, was read a third time at length and passed.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Albright, Bedsole, Biddle, Boles, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Crow, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holmes, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, McKee, McMillan, Manley, Minus, Olive, Owens, Parker, Patton, Payne, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Smith (C), Stewart, Stout, Trammell, Turner, Venable, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—68

H. 282 INDEFINITELY POSTPONED

On motion of Rep. Crow, the bill, H. 282 as amended, was indefinitely postponed.

H. 512 AGAIN TAKEN UP

AMENDMENT OFFERED

Rep. Holmes offered the following amendment to the bill, H. 512, which was previously temporarily postponed:

On page 2, line 10, after the word "officers" insert:

, subject to the state merit system laws

On page 2, line 16, after the word "wear." insert:

Said officers shall be required to meet the minimum standards of law enforcement officers as provided by the Peace Officers' Standards and Training Commission prior to being granted permanent employment status.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Blake, Boles, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, McKee, McMillan, Manley, Olive, Owens, Parker, Patton, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Stewart, Trammell, Turner, Venable, Whatley, Williams, Willis, Wyatt and Zoghby.

—73

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 197. To create a Surface Mining Commission with responsibility and authority to conform the State's Regulatory requirements regarding surface mining activities with the Federal Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, 30 U. S. C. 1200 et. seq., and any valid regulation promulgated thereunder, and thereby enable the State of Alabama to assume exclusive jurisdiction over the regulation of surface coal mining and reclamation operations in this State; and thereby to prevent Federal intrusion into land use planning and control and other integral and traditional aspects of the sovereignty of the State of Alabama; and

To make the State eligible for Federal Funding to develop and implement programs to achieve those purposes essential to the best interests of the people of the State of Alabama and those purposes necessary to prevent further Federal encroachment upon those state's rights protected by the tenth amendment of the Constitution of the United States; and

To repeal Act No. 551, S. 887, Regular Session 1975 (Acts of Alabama 1975, p. 1226), The Alabama Surface Mining Reclamation Act of 1975, and all laws or parts of laws which conflict with this Act.

McDOWELL LEE,
Secretary.

H. 512 RESUMED

And the bill, H. 512 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Horn, Johnson (R.G.), Johnson (Roy), Kennedy, Laird, Langford, McKee, McMillan, Manley, Minus, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Stewart, Trammell, Venable, Whatley, Williams, Willis and Wyatt.

—72

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the Resolution:

S. J. R. 121. CREATING A JOINT INTERIM COMMITTEE TO INVESTIGATE THE FEASIBILITY OF CREATING A PERPETUAL INTEREST FUND AND ANY OTHER INVESTMENTS AND/OR EXPENDITURES FOR THE WINDFALL STATE OIL LEASE REVENUES.

And the President and Presiding Officer of the Senate has appointed as members on part of the Senate Messrs. Callahan, St. John, Pearson, Little, McDonald, Proctor, and Gullede.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 229. HONORING DR. GARNER M. CLARK, PROMINENT ALABAMA RELIGIOUS AND CIVIC LEADER.

Also:

H. J. R. 234. COMMENDING MR. THOMAS WHEELER CARTEE.

Also:

H. J. R. 236. COMMENDING MISS LEAH SUMMERSELL, CITRONELLE'S 1981 OIL QUEEN.

Also:

H. J. R. 237. CONGRATULATING AND COMMENDING DECATUR'S AUSTIN HIGH SCHOOL BLOOD DRIVE CHAMPIONS.

Also:

H. J. R. 238. COMMENDING MR. ARTHUR PERSHING WHITE OF JAMESTOWN, CHEROKEE COUNTY, ALABAMA.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill to-wit:

H. 471. To amend Section 16-9-8 of the Code of Alabama 1975, relating to the election of the county superintendent of education, so as to provide for the manner of electing a successor in the event a successful candidate dies or resigns prior to taking office.

And finds same correctly enrolled with Executive Amendment.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

H. 363. To amend Sections 36-21-60 and 36-21-68, Code of Alabama 1975, which relate to definitions and eligibility for membership in the Peace

Officers' Annuity and Benefit Fund, so as to make certain persons, who are specifically excluded from membership, eligible for membership, and to provide that certain persons recently accepted into the fund shall not be given credit for prior service.

Was taken up.

AMENDMENT OFFERED

Rep. Trammell offered the following amendment to the bill, H. 363:

Amend H. 363 as follows:

On page 2, line 35, between the comma after the word "officer" and the word "but", insert the following:

and any pistol license investigators working under the jurisdiction of the sheriff,

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 35; Nays 11.

Yeas:

Reps.: Albright, Biddle, Boles, Brakefield, Buskey, Cabaniss, Carter, Cheatwood, Clark (W), Cobb, Coburn, Dial, Drinkard, Gafford, Gilmer, Goodwin, Greer, Hall, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Mitchell, Owens, Payne, Rains, Shavers, Shoemaker, Smith (J), Stewart, Trammell, Whatley and Wyatt.

—35

Nays:

Reps.: Barton, Campbell, Carothers, Grimsley, Holley, Holmes, Manley, Penry, Sasser, Williams and Willis.

—11

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

CO-SPONSOR ADDED

Rep. Holmes was added as co-sponsor to the bill, H. 363.

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side on the amendment offered by Rep. Trammell to the bill, H. 363, Rep. Owens offered the motion to reconsider the vote by which the amendment was adopted, and the motion to reconsider was adopted.

Yeas 38; Nays 13.

Yeas:

Mr. Speaker, Adams (H), Bedsole, Blake, Brakefield, Campbell, Carothers, Clark (G), Cobb, Cooley, Cosby, Gilmer, Grimsley, Hammett, Harper (T),

Kelley, McKee, McMillan, Manley, Minus, Olive, Owens, Patton, Pegues, Penry, Ray, Riddick, Seibels, Shavers, Shoemaker, Smith (J), Stewart, Venable, Ward, Whatley, Williams, Willis and Zoghby.

—38

Nays:

Reps.: Albright, Bennett, Biddle, Boles, Cheatwood, Goodwin, Greer, Hall, Johnson (R. G.), Mitchell, Moore, Rains and Trammell.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT TABLED

The question was again on the amendment offered by Rep. Trammell to the bill, H. 363, and on motion of Rep. Sasser, the amendment was tabled.

Yeas 36; Nays 29.

Yeas:

Mr. Speaker, Barton, Bedsole, Blake, Bowling, Brakefield, Campbell, Carothers, Carter, Cates, Clark (G), Cooley, Cosby, Dial, Gilmer, Grimsley, Hammett, Harper (T), Laird, McKee, McMillan, Manley, Owens, Pegues, Roberts, Sasser, Seibels, Shavers, Shoemaker, Stewart, Venable, Ward, Warren, Williams, Willis and Zoghby.

—36

Nays:

Reps.: Albright, Bennett, Biddle, Boles, Cabaniss, Cheatwood, Cobb, Coburn, Crow, Escott, Goodwin, Greer, Hall, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Langford, Letson, Mitchell, Moore, Olive, Patton, Payne, Penry, Rains, Trammell and Wyatt.

—29

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 51. Relating to Etowah County; providing for an additional allowance for election officials who work at polling places.

Also:

H. 686. To provide that the investigators of the district attorney of the Thirty-ninth Judicial Circuit shall have arrest powers in Limestone County.

Also:

H. 820. To provide for a special recording fee of \$1.50, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Clay County.

Also:

H. 827. Relating to Crenshaw County; to provide for an additional expense allowance for election officials of said county.

Also:

H. 828. Relating to Crenshaw County; to provide for an additional expense allowance for the members of the jury commission of said county.

Also:

H. 829. Relating to Clay County; providing further for levying additional court costs, and the collection and distribution of such court costs, on the service of all court papers or documents arising out of civil or quasi-civil action at law or equity; and designating the authorized expenditure from the revenue thereby generated.

Also:

H. 830. Relating to Clay County; providing further for additional levy of court costs, and the collection and distribution of such court costs, in any case, upon conviction of a misdemeanor or felony; and designating the funds thereby generated for the maintenance and supervision of the county jail building.

Also:

H. 831. Relating to Clay County; providing further for additional levy of court costs and the collection and distribution of such court costs, on the service of certain court papers or documents arising out of any civil or criminal action, instituted outside the state of Alabama, whether at law or equity; and prescribing that all revenue thereby generated shall be deposited into the "Sheriff's Department Fund" of the county general fund.

Also:

H. 832. Relating to Clay County; providing further for levying additional court costs, and the collection and distribution of such court costs, in any criminal proceeding arising out of any drug related crime; and designating that all revenue thereby generated be expended exclusively for the enforcement of drug and controlled substances laws.

McDOWELL LEE,
Secretary.

H. 363 RESUMED

And the bill, H. 363, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 3.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Johnson (R. G.), Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Olive, Owens, Patton, Payne, Pegues,

Penry, Ray, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Stewart, Turnham, Venable, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—67

Nays: Reps. Hall, Rains and Trammell.

—3

And the bill:

H. 195. To provide that any member of the teachers' retirement system or the employees' retirement system of Alabama who shall have attained the service requirements for surviving spouse benefits may nominate such person as he may desire to receive any benefits payable on account of his death prior to his date of retirement.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (T), Harvey, Holley, Holmes, Horn, Jackson, Johnson (R. G.), Kelley, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Olive, Owens, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—72

CO-SPONSOR ADDED

Rep. Smith (J) was added as co-sponsor to the bill, H. 195.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Smith (J):

H. R. 241. COMMENDING JOHN BLUE, III, FOR HIS OUTSTANDING COMMUNITY SERVICE.

Also:

By Rep. Smith (J):

H. R. 242. COMMENDING MR. W. F. SANDERS, JR., PROMINENT HUNTSVILLE BUSINESS AND CIVIC LEADER.

SPECIAL ORDER RESUMED

And the bill:

H. 556. To provide for prohibition of the possession, concealment, manufacture, purchase, transport, sale, delivery, distribution or endeavor to sell, deliver or distribute any short-barreled shotgun or short-barreled

rifle; to provide criminal penalties for violations of this act; to provide for the forfeiture and condemnation of short-barreled shotguns and short-barreled rifles.

Was taken up.

SUBSTITUTE OFFERED

Rep. Williams offered the following substitute to the bill, H. 556:

A BILL
TO BE ENTITLED
AN ACT

To provide for prohibition of the possession, concealment, manufacture, purchase, transport, sale, delivery, distribution or endeavor to sell, deliver or distribute any short-barreled shotgun or short-barreled rifle; to provide criminal penalties for violations of this act; to provide for the forfeiture and condemnation of short-barreled shotguns and short-barreled rifles.

Be It Enacted by the Legislature of Alabama:

SECTION I. Definitions.

Unless the context clearly requires otherwise, wherever used in this act in the singular or the plural case, the term:

(a) "Person" shall mean a natural person or human being, individual, individual proprietorship, corporation, partnership, incorporated association, unincorporated association, joint stock association, trust, company, firm, society, or any combination of individuals or organizations;

(b) "Shotgun" shall mean a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger;

(c) "Short-barelled shotgun" shall mean a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun (whether by alteration, modification or otherwise) if such weapon as modified has an overall length of less than twenty-six inches;

(d) "Rifle" shall mean a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifle bore for each single pull of the trigger;

(e) "Short-barreled rifle" shall mean a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon, as modified, has an overall length of less than twenty-six inches.

SECTION II:

Any person who shall possess, conceal, manufacture, purchase, or transport any short-barreled shotgun or short-barreled rifle or who shall sell, deliver or distribute or endeavor to sell, deliver or distribute to any person any short-barreled shotgun or short-barreled rifle shall be guilty of a class C felony.

SECTION III:

Any person who shall possess a short-barreled shotgun or short-barreled rifle while committing or endeavoring to commit any felony under the laws of the state of Alabama shall be guilty of a class A felony.

SECTION IV:

It shall be the duty of any sheriff, policeman or other peace officer of the State of Alabama, arresting any person charged with violating Section II or Section III of this act to seize said short-barreled shotgun or short-barreled rifle, and to deliver said shotgun or rifle to one of the following named persons: if a municipal officer makes the arrest, to the city clerk or custodian of stolen property of the municipality employing the arresting officer; if a county, state or other peace officer makes the arrest, to the sheriff of the county in which the arrest is made. The person receiving the shotgun or rifle from the arresting officer shall keep it in a safe place in as good condition as received until disposed of as hereinafter provided. Within five days after the final conviction of any person arrested for violating any of the above-numbered sections, the person receiving possession of the shotgun or rifle, seized as aforesaid, shall report the seizure and detention of said shotgun or rifle to the district attorney within the county where the shotgun or rifle is seized, giving a full description thereof, the number, make and model thereof, the name of the person in whose possession it was found when seized, the person making claim to same or any interest therein, if the name can be ascertained or is known, and the date of the seizure. Upon receipt of the report from the person receiving possession of the shotgun or rifle as aforesaid, it shall be the duty of the district attorney within the county wherein the shotgun or rifle was seized to forthwith file a complaint in the circuit court of the proper county, praying that such seized shotgun or rifle be declared contraband, be forfeited to the state and be destroyed. Any person, firm or corporation or association of persons from whose possession said shotgun or rifle may be seized or who claim to own the same or any interest therein shall be made a party defendant to said complaint, and thereupon such matter shall proceed and be determined in the circuit court of the proper county in the same form and manner, as near as may be, as in the forfeiture and destruction of gaming devices, except as herein otherwise provided. When any judgment of condemnation and forfeiture is made in any case filed under the provisions of this section, the judge making such judgment shall direct therein the destruction of the shotgun or rifle by the person receiving possession of said shotgun or rifle from the arresting officer in the presence of the clerk or register of the court. Said order, in the event that no appeal is taken within 15 days from the rendition thereof, shall be carried out and executed before the expiration of 20 days from the date of the judgment. The court, at its discretion, shall direct in said judgment, that the costs of the proceedings be paid by the person in whose possession said shotgun or rifle was found when seized, or by any party or parties who claim to own said shotgun or rifle, or any interest therein, and who contested the condemnation and forfeiture thereof.

SECTION V. Evidence admissibility.

A conviction may be had in the trial of any person charged or indicted for any criminal offense defined in this act upon the uncorroborated testimony of an accomplice.

SECTION VI. Prior acts repealed.

All laws and parts of laws in conflict herewith are hereby repealed.

SECTION VII. Severability.

The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional in application or effect, such declaration shall not affect the part which remains, so that in the event that one or more provisions of this act should be held invalid or unconstitutional in application or effect, this act shall be construed as if such invalid or unconstitutional provision had not been included herein.

SECTION VIII. Separability.

In the event that any section or sections of this act is deemed to be inapplicable to any person, any class of persons, or any set of circumstances, the applicability of such section or sections to the remaining persons, classes or persons, or sets of circumstances shall not be affected thereby.

SECTION IX. Effective date.

This act shall become effective upon its approval by the Governor or upon its otherwise becoming law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Carter, Cates, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Laird, Langford, Letson, McMillan, Mitchell, Moore, Olive, Owens, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Stewart, Turnham, Venable, Ward, Warren, Whatley, Willis, Wyatt and Zoghby.

—62

AMENDMENT OFFERED

Rep. Holmes offered the following amendment to the bill, H. 556 as amended:

Amend House Bill 556, page 3, Section 2, line 10 by striking the word "C" and inserting in lieu thereof, the following: A

AMENDMENT TABLED

On motion of Rep. Williams, the amendment offered by Rep. Holmes to the bill, H. 556 as amended, was tabled.

Yeas 58; Nays 14.

Yeas:

Mr. Speaker, Amari, Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cooley, Cosby, Daniels, Dial, Dixon, Edwards, Ford, Gafford, Gilmer, Grimsley,

Grouby, Hammett, Harper (O), Harper (T), Harvey, Kelley, Laird, Langford, Lewis, McKee, McMillan, Mitchell, Moore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (J), Stewart, Venable, Warren, Whatley, Williams and Willis.

—58

Nays:

Reps.: Albright, Buskey, Clark (W), Escott, Goodwin, Greer, Hall, Holmes, Horn, Jackson, Johnson (R. G.), Letson, Wyatt and Zoghby.

—14

And the bill, H. 556 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Howard, Johnson (R. G.), Kelley, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Stewart, Trammell, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—79

CO-SPONSOR ADDED

Rep. Holmes was added as co-sponsor to the bill, H. 556.

And the bill:

H. 359. To provide for and regulate the sale, use, distribution and manufacture of certain fireworks; to provide for permits to be issued by the state fire marshal; to specifically prohibit certain fireworks and to define certain terms relating to fireworks and explosives; to prescribe penalties for violation of this Act; and to repeal Sections 13A-11-100 through 13A-11-105, Code of Alabama 1975, relating to fireworks.

Was taken up.

AMENDMENT OFFERED

Rep. Roberts offered the following amendment No. 1 to the bill, H. 359:

Amend H. B. 359, page 11, Section 17, line 18, after the word "any" by striking the word private and inserting in lieu thereof the word local.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bedsole, Blake, Bowling, Carothers, Carter, Cobb, Coburn, Cooley, Cosby, Crow, Dixon, Edwards, Gilmer, Goodwin, Greer, Gregg, Grimsley, Hall, Hammett, Harper (O), Harper (T), Holmes, Laird, Letson, Lewis, McKee, McMillan, Manley, Mitchell, Olive, Owens, Parker, Patton, Rains, Reed, Riddick, Roberts, Seibels, Shavers, Smith (J), Smith (M), Stewart, Stout, Turner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—56

AMENDMENT OFFERED

Rep. Roberts offered the following amendment No. 2 to the bill, H. 359 as amended:

Amend H. 359 as follows:

On page 6, line 25, after the period, add the following language:

No permit shall be issued to any applicant who does not show proof of a current and valid sales tax number.

On page 7, line 14, after the period, add the following language:

Possession of special fireworks for resale to holders of a permit for public display shall be confined to holders of a distributor's permit only.

On page 8, on line 25, after the word "classification" add the following language: or identification

On page 8, on line 25, after the word "applicable" add the following language:

or required by any federal agency having jurisdiction over fireworks

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Bedsole, Bennett, Blake, Boles, Bowling, Carothers, Carter, Clark (G), Coburn, Cooley, Cosby, Crow, Dial, Edwards, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (T), Holmes, Horn, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Mitchell, Olive, Parker, Patton, Rains, Reed, Riddick, Roberts, Seibels, Shavers, Shoemaker, Smith (J), Smith (M), Stewart, Stout, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—58

And the bill, H. 359 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 7.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bedsole, Blake, Boles, Buskey, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Clark (W),

Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Hall, Harper (O), Harper (T), Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Mitchell, Nevett, Olive, Owens, Parker, Patton, Rains, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Smith (M), Turner, Venable, Waggoner, Warren, Williams, Willis, Wyatt and Zoghby.

—68

Nays:

Reps.: Adams (C), Bowling, Cooley, Holley, Smith (C), Stewart and Stout.

—7

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 359:

Reps. Adams (H), Barton, Blake, Carothers, Daniels, Dial, Gilmer, Goodwin, Greer, Grimsley, Harper (O), Holmes, Horn, Johnson (R. G.), Laird, Langford, Letson, McKee, McMillan, Olive, Patton, Rains, Reed, Sasser, Shavers, Shoemaker, Smith (J), Smith (M), Turner, Whatley and Williams.

And the bill:

H. 676. To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, so as to provide further for the qualifications of the county engineers of this state, so as to remove the requirement that they be registered land surveyors; to delete references to several county exceptions in the existing code section; and to provide for the state highway department's partial payment of the salaries of county engineers as provided by Section 11-6-4, Code of Alabama 1975, regardless of the lack of qualification as a registered land surveyor.

Was taken up.

AMENDMENT OFFERED

Rep. Manley offered the following amendment No. 1 to the bill, H. 676:

Amend H. 676 as follows: On page 2, line 2, after the word "engineer" add the following: may serve two adjoining counties and

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 60; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Bedsole, Bowling, Brakefield, Cabaniss, Campbell, Clark (G), Cobb, Coburn, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grouby, Hall, Hammett, Harper (T), Holley, Holmes, Johnson (R. G.), Kelley, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Nevett, Olive, Owens, Parker, Patton, Pegues, Rains, Reed, Riddick, Sasser, Seibels, Shavers, Shoemaker, Smith (M), Stewart, Stout, Venable, Waggoner, Warren, Whatley, Williams and Willis.

—60

Nays: Reps.: Albright and Daniels.

—2

AMENDMENT OFFERED

Rep. Manley offered the following amendment No. 2 to the bill, H. 676 as amended:

Amend H. B. 676 on page 2, by adding a new Section 2 to read as follows:

Section 2. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Further renumber subsequent sections as appropriate.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 59; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Bedsole, Biddle, Bowling, Brakefield, Cabaniss, Campbell, Cheatwood, Clark (G), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grouby, Hall, Hammett, Harper (T) Holley, Holmes, Kelley, Laird, Langford, Letson, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Parker, Patton, Pegues, Rains, Reed, Riddick, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Smith (M), Stewart, Venable, Warren, Whatley, Willis and Wyatt.

—59

Nay: Rep. Albright.

—1

And the bill, H. 676 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 4.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Biddle, Blake, Brakefield, Cabaniss, Campbell, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grouby, Hall, Hammett, Harper (T), Holley, Horn, Johnson (R. G.), Kelley, Laird, Langford, Letson, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Reed, Riddick, Sasser, Seibels, Shavers, Shoemaker, Smith (M), Stewart, Turner, Venable, Waggoner, Warren, Whatley and Willis.

—62

Nays: Reps.: Albright, Daniels, Stout and Wyatt.

—4

CO-SPONSORS ADDED

Reps. Blake and Shavers were added as co-sponsors to the bill, H. 676.

And the bill:

S. 29. To amend Section 34-15-4, Code of Alabama 1975, relating to the duties of a hotel owner, to require hotel owners to install and maintain smoke detectors in their rooms, to further provide for criminal penalties for removing said smoke detectors.

Was read a third time at length and passed.

Yeas 70; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Biddle, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (T), Holley, Horn, Johnson (R. G.), Langford, Letson, Lewis, McKee, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Parker, Pegues, Penry, Rains, Ray, Riddick, Sasser, Scibels, Shoemaker, Smith (J), Smith (M), Stewart, Stout, Turner, Venable, Waggoner, Warren, Whatley, Williams, Willis, Wyatt and Zoghy.

—70

Nay: Rep. Patton.

—1

And the bill:

H. 586. To provide that the conservation advisory board shall have the power to promulgate rules and regulations having the force and effect of law to regulate, including the authority to prohibit, the use of airboats on any of the public waters of this state; and to provide for penalties for violations.

Was taken up.

SUBSTITUTE OFFERED

Rep. McMillan offered the following substitute to the bill, H. 586:

A BILL TO BE ENTITLED AN ACT

To provide that the conservation advisory board shall have the power to promulgate rules and regulations having the force and effect of law to regulate, including the authority to prohibit, the use of airboats on any of the public waters of this state that are affected by the tide; and to provide for penalties for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. The conservation advisory board shall have the power to promulgate the rules and regulations having the force and effect of law to regulate, including the authority to prohibit, the use of an airboat on any of the public waters of this state that are subject to an ebb and flow of the tide of at least two inches.

Section 2. Any person violating the provisions of the rules and regulations promulgated under the authority of this act shall, upon conviction, be guilty of a Class C misdemeanor.

Section 3. All laws or parts of laws which conflict with the provisions of this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 61; Nays 0.

Yeas:

Reps.: Albright, Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Cates, Clark (G), Clark (W), Cobb, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grouby, Hall, Hammett, Harper (T), Holley, Holmes, Horn, Kelley, Langford, Letson, Lewis, McMillan, Moore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Shoemaker, Stewart, Stout, Turner, Venable, Waggoner, Warren, Whatley, Willis, Wyatt and Zoghby.

—61

And the bill:

H. 586. To provide that the conservation advisory board shall have the power to promulgate rules and regulations having the force and effect of law to regulate, including the authority to prohibit, the use of airboats on any of the public waters of this state that are affected by the tide; and to provide for penalties for violations.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 1.

Yeas:

Reps.: Albright, Amari, Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Cates, Clark (G), Clark (W), Cobb, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grouby, Hall, Hammett, Harper (T), Holley, Horn, Johnson (Roy), Kelley, Langford, Letson, Lewis, McKee, McMillan, Minus, Moore, Nevett, Olive, Owens, Parker, Payne, Penry, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Stewart, Stout, Turner, Venable, Waggoner, Ward, Warren, Whatley, Willis and Zoghby.

—65

Nay: Rep. Rains.

—1

RESOLUTION

The following resolution was introduced:

By Reps. Smith (J), Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford,

Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

H. J. R. 243. EXPRESSING ALABAMA'S TREMENDOUS PRIDE IN THE SUCCESSFUL FLIGHT OF COLUMBIA AND COMMENDING ITS CREW AND NASA.

WHEREAS, in historical love of heroes and time-honored spirit of "America first," the American people now have both, in full measure, in the successful launch, flight and safe return of the space shuttle, Columbia, and in its courageous crew of two, John Young and Robert Crippen; and

WHEREAS, idle in space exploration since 1975, the United States has once again proved to its people and to the world that American technology is second to none; the flight of the Columbia has truly opened up a new world of unlimited possibility for space exploration and for future benefits to all mankind; and

WHEREAS, in maiden flight aboard the world's first reflyable spaceship, Astronauts John Young and Robert Crippen have rekindled the patriotism and national pride of a people who first placed men on the moon; and

WHEREAS, no less to be commended and honored are the dedicated men and women of the National Aeronautics and Space Administration who, in unity of purpose and devoted solidarity, made possible the flight of the Columbia which is historic in impact, spectacular in its success; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we stand in tribute to Astronauts John Young and Robert Crippen, offering grateful appreciation also to the National Aeronautics and Space Administration for America's new triumph in space.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Astronauts Crippen and Young, and to the officials of NASA, in grateful acknowledgement of their great and glorious achievement.

On motion of Rep. Smith (J), the rules were suspended and the resolution, H. J. R. 243, was adopted.

SPECIAL ORDER RESUMED

H. 73 TEMPORARILY POSTPONED

On motion of Rep. Whatley, the bill, H. 73, was temporarily postponed.

And the bill:

S. 116. To amend Section 4-3-47 of the Code of Alabama 1975, relating to airport authorities, so as to further provide for the powers of such authorities.

Was taken up.

AMENDMENT OFFERED

Rep. Cosby offered the following amendment to the bill, S. 116:

Amend Senate Bill 116, Section 1, Page 4, beginning on line 15 after the word "acquire" and the comma, by inserting by eminent domain and otherwise,

On page 4, line 23, after the word "lease" and the comma, by inserting eminent domain proceedings.

On page 4, line 34, after the word "lease" and the comma, by inserting eminent domain proceedings.

On page 5, line 10, after the word "lease" and the comma, by inserting eminent domain proceedings

Further amend the bill, page 6, immediately following line 10, by adding the following and renumbering the remaining subsections accordingly.

"(21) To exercise the power of eminent domain in the manner and subject to the provisions of Title 18 of this Code with respect to any property, real, personal or mixed, whether in one or more counties and whether within or without the corporate limits of any authorizing subdivisions, including air space, navigation easements, structures and obstructions to flights and property already devoted to public use, that may be reasonably necessary for the construction, extension, maintenance, operation, protection, enlargement, improvement or preservation of an airport or airport facility, or sanitary or storm sewage systems or water, electric and gas systems, upon, adjacent to, in connection with or in furtherance of the use of any airport, heliport or aircraft landing area or other properties owned or operated by the authority;

And the amendment was adopted.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bowling, Brakefield, Cabaniss, Campbell, Cates, Cosby, Crow, Daniels, Edwards, Gafford, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Holley, Langford, Lewis, McKee, McMillan, Manley, Mitchell, Nevett, Olive, Owens, Penry, Ray, Riddick, Roberts, Sasser, Seibels, Smith (J), Stewart, Stout, Venable, Warren, Whatley, Willis, Wyatt and Zoghby.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 116 as thus amended, was read a third time at length and passed.

Yeas 54; Nays 4.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Cosby, Crow, Daniels, Drinkard, Edwards, Ford, Gregg, Grimsley, Grouby,

Hammett, Harper (T), Holmes, Johnson (Roy), Laird, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Nevett, Olive, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Smith (J), Smith (M), Stewart, Stout, Venable, Warren, Whatley, Williams, Willis and Wyatt.

—54

Nays: Reps.: Cheatwood, Jackson, Trammell and Tucker.

—4

And the bill:

H. 73. To amend section 2-30-32 of the Code of Alabama 1975 which relates to the Alabama experiment station system, so as to provide for Sub-agricultural experiment stations; to provide for distribution procedures of any appropriations made for maintenance and operation of the experiment station system or of the Sub-agricultural experiment stations; and to repeal sections 2-30-60, 2-30-61, and 2-30-62 of the Code of Alabama 1975 which relate to the central artificial insemination unit.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cobb, Cooley, Cosby, Crow, Daniels, Drinkard, Edwards, Escott, Ford, Greer, Grimsley, Grouby, Hammett, Harper (T), Holley, Holmes, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Nevett, Olive, Owens, Payne, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—60

And the bill:

H. 553. This bill provides for the abolishment of the Modular Housing Division of the Alabama Development Office and transfer of all of the personnel, funds, appropriations, papers, documents, files, materials, equipment, supplies, duties, responsibilities and other effects of the Modular Housing Division of the Alabama Development Office to the office of the Alabama State Fire Marshal, a division of the Alabama Insurance Department.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Cobb, Cooley, Crow, Daniels, Drinkard, Edwards, Ford, Greer, Grimsley, Grouby, Hammett, Harper (T), Holley, Holmes, Kennedy, Laird, Langford, Lewis, McMillan, Nevett, Olive, Owens, Parker, Penry, Rains, Ray, Riddick, Sasser, Seibels, Smith (C), Smith (J), Stewart, Trammell, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—53

Nay: Rep. Stout.

—1

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 229. HONORING DR. GARNER M. CLARK, PROMINENT ALABAMA RELIGIOUS AND CIVIC LEADER.

Also:

H. J. R. 234. COMMENDING MR. THOMAS WHEELER CARTEE.

Also:

H. J. R. 236. COMMENDING MISS LEAH SUMMERSELL, CITRONELLE'S 1981 OIL QUEEN.

Also:

H. J. R. 237. CONGRATULATING AND COMMENDING DECATUR'S AUSTIN HIGH SCHOOL BLOOD DRIVE CHAMPIONS.

Also:

H. J. R. 238. COMMENDING MR. ARTHUR PERSHING WHITE OF JAMESTOWN, CHEROKEE COUNTY, ALABAMA.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 51. Relating to Etowah County; providing for an additional allowance for election officials who work at polling places.

Also:

H. 686. To provide that the investigators of the district attorney of the Thirty-ninth Judicial Circuit shall have arrest powers in Limestone County.

Also:

H. 820. To provide for a special recording fee of \$1.50, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Clay County.

Also:

H. 827. Relating to Crenshaw County; to provide for an additional expense allowance for election officials of said county.

Also:

H. 828. Relating to Crenshaw County; to provide for an additional expense allowance for the members of the jury commission of said county.

Also:

H. 829. Relating to Clay County; providing further for levying additional court costs, and the collection and distribution of such court costs, on the service of all court papers or documents arising out of civil or quasi-civil action at law or equity; and designating the authorized expenditure from the revenue thereby generated.

Also:

H. 830. Relating to Clay County; providing further for additional levy of court costs, and the collection and distribution of such court costs, in any case, upon conviction of a misdemeanor or felony; and designating the funds thereby generated for the maintenance and supervision of the county jail building.

Also:

H. 831. Relating to Clay County; providing further for additional levy of court costs and the collection and distribution of such court costs, on the service of certain court papers or documents arising out of any civil or criminal action, instituted outside the state of Alabama, whether at law or equity; and prescribing that all revenue thereby generated shall be deposited into the "Sheriff's Department Fund" of the county general fund.

Also:

H. 832. Relating to Clay County; providing further for levying additional court costs, and the collection and distribution of such court costs, in any criminal proceeding arising out of any drug related crime; and designating that all revenue thereby generated be expended exclusively for the enforcement of drug and controlled substances laws.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

H. 237. To provide definitions and certain categories of standards, policy provisions, minimum anticipated loss ratio standards and consumer disclosure requirements relating to disability policies designed and sold as Medicare Supplement policies and to provide authority for the Commissioner of Insurance to promulgate regulations implementing these requirements consistent with the uniform standards promulgated by the National Association of Insurance Commissioners for the purpose of meeting the requirements of Public Law 96-265 (1980) to preserve to the State of Alabama the continued regulation of disability policies sold as Medicare Supplement coverage.

Was taken up.

AMENDMENT OFFERED

Rep. Cabaniss offered the following amendment to the bill, H. 237:

Amend House Bill 237 by deleting the words "by reason of age" on page 2, line 19; on page 4, line 18; on page 5, lines 5, 15, 21 and 31, and on page 6, line 6.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Biddle, Bowling, Cabaniss, Campbell, Carter, Cates, Clark (G), Cooley, Drinkard, Edwards, Escott, Ford, Gafford, Goodwin, Greer, Grouby, Hammett, Harper (T), Holmes, Kelley, Kennedy, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Nevett, Olive, Owens, Parker, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Smith (J), Stewart, Stout, Trammell, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—57

And the bill, H. 237 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Amari, Bedsole, Biddle, Blake, Brakefield, Cabaniss, Campbell, Carter, Cates, Clark (G), Cooley, Daniels, Drinkard, Edwards, Escott, Ford, Gafford, Goodwin, Grimsley, Grouby, Hammett, Harper (T), Holley, Holmes, Johnson (R. G.), Kennedy, Laird, Langford, McKee, McMillan, Manley, Minus, Nevett, Olive, Owens, Parker, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Smith (J), Stewart, Stout, Trammell, Venable, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—56

And the bill:

H. 6. To provide for and designate the Alabama Capitol Complex Planning District; to establish the Capitol Complex Planning Commission to develop a comprehensive and long-range plan for development of the capitol complex; and to provide for the appointment and duties of the commission.

Was taken up.

AMENDMENT OFFERED

Rep. Holley offered the following amendment No. 1 to the bill, H. 6:

In Section 2, page 2, delete lines 21 through 39 and insert in lieu thereof the following:

Commence on the corner of the center of Jackson Street and the center of Madison Avenue; thence Westerly along the center of Madison Avenue to the center of Hull Street; thence Southerly along the center of Hull Street to the center of High Street; thence Easterly along the center of High Street to the center of Ripley Street; thence Northerly along the center of Ripley Street to the center of Adams Avenue; thence Easterly along the center of Adams Avenue to the center of Jackson Street; thence Northerly along the center of Jackson Street to the center of Madison Avenue, the point of beginning.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Crow, Drinkard, Edwards, Escott, Ford, Gafford, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (T), Harvey, Holley, Holmes, Horn, Jackson, Kelley, Kennedy, Laird, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Nevett, Olive, Owens, Parker, Payne, Penry, Rains, Ray, Riddick, Seibels, Smith (C), Smith (J), Stewart, Stout, Trammell, Turner, Venable, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—70

AMENDMENT OFFERED

Rep. Holley offered the following amendment No. 2 to the bill, H. 6 as amended:

On page 5, line 29, after the period, add the following language: After the effective date of this act, the City of Montgomery is not prohibited from adopting future rules, regulations, ordinances or orders regulating development or use within the capitol complex planning district. Said future rules, regulations, ordinances or orders shall also remain in effect until superseded in the future by regulation or order of the planning commission.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Cooley, Crow, Drinkard, Edwards, Escott, Ford, Gafford, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (T), Harvey, Horn, Kelley, Kennedy, Laird, Lewis, McMillan, Minus, Nevett, Olive, Owens, Parker, Payne, Penry, Rains, Ray, Riddick, Roberts, Seibels, Smith (J), Stewart, Stout, Trammell, Venable, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—60

H. 6. TEMPORARILY POSTPONED

On motion of Rep. Holley the Bill, H. 6, as amended was temporarily postponed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 204. To provide that law enforcement officers employed by the Department of Conservation and Natural Resources and law enforcement officers or investigators employed by the Alcoholic Beverage Control Board may retain their badge and pistol.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

And the bill:

H. 362. To control the movement of trains to and from any area under an evacuation order because of an actual or impending emergency as declared by the Governor; and to provide penalties for violations of the provisions of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carothers, Cates, Cheatwood, Clark (G), Cobb, Coburn, Drinkard, Edwards, Escott, Ford, Gafford, Goodwin, Greer, Grimsley, Hammett, Harper (O), Harper (T), Harvey, Holley, Johnson (R. G.), Kelley, Kennedy, Langford, Letson, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Parker, Payne, Rains, Ray, Riddick, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Trammell, Turner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—59

And the bill:

H. 349. To control the movement of railroads, trucks, ships, barges and airplanes to and from any area under an evacuation alert because of rising water, the approach of a hurricane or other natural disaster.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Daniels, Drinkard, Edwards, Escott, Ford, Gafford, Goodwin, Greer, Grimsley, Grouby, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Kelley, Kennedy, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Parker, Payne, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—73

RESOLUTION

The following resolution was introduced:

By Reps. Greer, Goodwin, Coburn, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 244. MOURNING THE DEATH OF MRS. BESSIE PEARL STARKEY OF FLORENCE, ALABAMA.

WHEREAS, the Legislature of Alabama has been deeply saddened by the death of Mrs. Bessie Pearl Starkey of Florence, Alabama, on April 13, 1981, at the age of 88; and

WHEREAS, Mrs. Starkey, who was the mother of our good friend, Representative Nelson Starkey, was a native of Lauderdale County and a longtime resident of Florence where she was a faithful member of the Wood Avenue Church of Christ; and

WHEREAS, a beloved member of her community, Mrs. Starkey was a devoted wife and mother who was deeply loved and now sadly missed by all her family and many, many friends; and

WHEREAS, Mrs. Starkey also will be long remembered with love and affection as the former operator, for more than fifty years, of Starkey's Resident Hotel and Restaurant in Florence; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mrs. Bessie Pearl Starkey of Florence, Alabama, and extend our sincere and deepest sympathy to all her family.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for her husband, Mr. Nelson R. Starkey, Sr., for our good friend, Nelson Starkey, Jr., for her daughters, Mrs. Vernon Hargett and Mrs. Mary Elizabeth Nicholson, and other family members that they may know of our care and concern for them in their great and grievous loss.

On motion of Rep. Greer, the rules were suspended and the resolution, H. J. R. 244, was adopted.

PERMISSION GRANTED

Permission was granted for the Journal to show that on the Fifteenth Legislative Day, March 31, 1981, Rep. Turner's voting machine was broken when the vote was taken on H. 489, and he voted "Yea" on the bill, though the machine failed to register his vote.

SPECIAL ORDER RESUMED

And the bill:

H. 372. To provide that, with respect to the sale of certain livestock, there shall be no implied warranty that such livestock are free from disease, provided that all federal and state statutory and regulatory requirements are complied with concerning the inspection and disease control of such livestock.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Amari, Bedsole, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Howard, Johnson (R. G.), Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Parker, Penry, Rains, Ray, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Turner, Venable, Warren, Whatley, Willis, Wyatt and Zoghby.

—72

And the bill:

H. 559. To amend Section 26-14-1, Code of Alabama 1975, relating to the reporting of abuse or neglect of children, so as to explicitly add the terms "sexual exploitation" or "attempted sexual exploitation" to the definition of child abuse and to explicitly define the terms "sexual abuse" and "sexual exploitation."

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Bedsole, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Kennedy, Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Parker, Pegues, Rains, Ray, Riddick, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Tucker, Turner, Venable, Ward, Warren, Whatley, Willis, Wyatt and Zoghby.

—70

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 559:

Reps. Bedsole, Blake, Bowling, Brakefield, Buskey, Carter, Cheatwood, Clark (W), Coburn, Dixon, Drinkard, Ford, Goodwin, Greer, Grimsley, Grouby, Harper (O), Harper (T), Holmes, Horn, Howard, Jackson, Laird, Langford, Letson, McKee, McMillan, Mitchell, Nevett, Olive, Owens, Parker, Pegues, Rains, Ray, Smith (C), Smith (J), Smith (M), Tucker, Warren, Whatley, Willis and Zoghby.

And the bill:

H. 691. (With Substitute): Relating to the 15th judicial circuit; providing for an additional circuit court judge in such circuit and prescribing the duties, authority, and compensation of such judge.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To create an additional judgeship for the Fifteenth Judicial Circuit of Alabama; to provide for the appointment of the first judge and the election of subsequent judges to fill this judgeship; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judge, and to render such judge liable to all the pains and penalties of other circuit judges in this state; to increase the number of circuit judges in the Fifteenth Judicial Circuit of Alabama to seven; to amend Section 12-17-20 of the 1975 Code of Alabama; to repeal all laws or parts of laws in conflict herewith, and to provide the effective date of this act.

Be it Enacted by the Legislature of Alabama:

Section 1. There is hereby created the office of circuit judgeship No. 7 of the Fifteenth Judicial Circuit of Alabama, which shall be in addition to the judgeships of said circuit now existing. The first judge of said additional

circuit judgeship No. 7 shall be appointed by the governor and shall hold office until a successor has been elected and qualified at the next general election for state officers held after the appointee has completed one year in office. Successors shall be elected in the same manner and for the same term as prescribed by law for other circuit judges.

Section 2. The judge of said circuit judgeship No. 7 shall have and exercise all of the jurisdiction, powers, rights, and authority and possess all of the qualifications, perform all the duties, and be subject to all the pains, obligations, and penalties that other circuit judges may exercise, perform, or be subject to and shall sit in the family court division of said circuit and perform the same duties in said division as performed by the other judge of the family court division, unless otherwise assigned by the presiding judge of the circuit.

Section 3. The additional circuit judge provided for in this act shall receive the same salary, and supplements payable in the same manner, as the other circuit court judges in the Fifteenth Judicial Circuit.

Section 4. Section 12-17-20 of the 1975 Code of Alabama is amended to read as follows:

"§ 12-17-20. (a) Except as otherwise provided in this section, each judicial circuit of the state shall have one resident circuit judge.

"(b) In the following judicial circuits, there shall be the number of resident circuit judges listed below:

"(1) There shall be two circuit judges in the first judicial circuit. The judge occupying judgeship No. 1 shall be the presiding judge.

"(2) There shall be two circuit judges in the fourth judicial circuit. One of said judges shall be known as the presiding judge and the other as the associate judge.

"(3) There shall be three circuit judges in the fifth judicial circuit.

"(4) There shall be five circuit judges in the sixth judicial circuit.

"(5) There shall be four circuit judges in the seventh judicial circuit.

"(6) There shall be three circuit judges in the eighth judicial circuit.

"(7) There shall be two circuit judges in the ninth judicial circuit.

"(8) There shall be 20 circuit judges in the tenth judicial circuit.

"(9) There shall be two circuit judges in the eleventh judicial circuit.

"(10) There shall be two circuit judges in the twelfth judicial circuit.

"(11) There shall be nine circuit judges in the thirteenth judicial circuit.

"(12) There shall be three circuit judges in the fourteenth judicial circuit.

"(13) There shall be six seven circuit judges in the fifteenth judicial circuit. At least two judges shall be assigned to the criminal division of said circuit, and one or more judges shall be assigned to the civil division, in the discretion of the presiding judge.

- "(14) There shall be four circuit judges in the sixteenth judicial circuit.
- "(15) There shall be three circuit judges in the eighteenth judicial circuit.
- "(16) There shall be two circuit judges in the nineteenth judicial circuit.
- "(17) There shall be three circuit judges in the twentieth judicial circuit.
- "(18) There shall be two circuit judges in the twenty-second judicial circuit.
- "(19) There shall be six circuit judges in the twenty-third judicial circuit.
- "(20) There shall be two circuit judges in the twenty-fifth judicial circuit.
- "(21) There shall be two circuit judges in the twenty-sixth judicial circuit.
- "(22) There shall be two circuit judges in the twenty-seventh judicial circuit.
- "(23) There shall be two circuit judges in the twenty-eighth judicial circuit.
- "(24) There shall be two circuit judges in the twenty-ninth judicial circuit.
- "(25) There shall be two circuit judges in the thirtieth judicial circuit.
- "(26) There shall be two circuit judges in the thirty-first judicial circuit.
- "(27) There shall be two circuit judges in the thirty-second judicial circuit.
- "(28) There shall be two circuit judges in the thirty-seventh judicial circuit.
- "(29) There shall be two circuit judges in the thirty-eighth judicial circuit.

Section 5. There is hereby appropriated to the unified judicial system from the general fund, the sum of thirty one thousand dollars for the fiscal year 1980-81 and the sum of seventy eight-thousand and three hundred dollars for the fiscal year beginning October 1, 1981, for the support and maintenance of the additional circuit judgeship herein created.

Section 6. All laws, and parts of laws, whether general, special or local, in conflict with the provisions of this act, are hereby repealed.

Section 7. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Bedsole, Bennett, Brakefield, Buskey, Cabaniss, Carter, Cates, Clark (G), Clark (W), Crow, Daniels, Dixon, Edwards, Escott, Ford, Gilmer, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Holmes, Howard, Langford, Letson, Lewis, McMillan, Manley, Minus, Nevett, Olive, Owens, Patton, Rains, Ray, Roberts, Smith (C), Smith (J), Stewart, Trammell, Venable, Warren, Whatley, Willis, Wyatt and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 691. To create an additional judgeship for the Fifteenth Judicial Circuit of Alabama; to provide for the appointment of the first judge and the election of subsequent judges to fill this judgeship; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judge, and to render such judge liable to all the pains and penalties of other circuit judges in this state; to increase the number of circuit judges in the Fifteenth Judicial Circuit of Alabama to seven; to amend Section 12-17-20 of the 1975 Code of Alabama; to repeal all laws or parts of laws in conflict herewith, and to provide the effective date of this act.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 2.

Yeas:

Reps: Bedsole, Bowling, Buskey, Cabaniss, Campbell, Cheatwood, Clark (G), Clark (W), Crow, Dixon, Drinkard, Escott, Gafford, Goodwin, Greer, Grimsley, Grouby, Harper (T), Harvey, Holmes, Horn, Howard, Jackson, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Nevett, Owens, Patton, Penry, Rains, Roberts, Sasser, Smith (C), Smith (J), Stewart, Tucker, Turner, Warren, Whatley, Williams, Wyatt and Zoghby.

—49

Nays: Reps. Carter and Riddick.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 724. To provide for commitment hearings to determine whether defendants acquitted of crimes by reason of insanity should be involuntarily

committed to the Alabama state department of mental health; to provide for initial detention of the defendants prior to the final hearings; and to provide for the commitment of such persons.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Bedsole, Bennett, Blake, Bowling, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Crow, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (T), Harvey, Holley, Holmes, Howard, Johnson (R. G.), Kennedy, Laird, Lewis, McKee, McMillan, Manley, Minus, Moore, Nevett, Olive, Owens, Parker, Patton, Penry, Rains, Ray, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Stewart, Trammell, Turner, Venable, Ward, Warren, Whatley, Willis and Zoghby.

—61

And the bill:

H. 373. To amend Section 11-41-8, Code of Alabama 1975, as amended, so as to validate, in certain cases, municipal corporations attempted to be organized under the laws of Alabama which might be invalid because of any irregularity in the procedure for incorporation.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Bedsole, Blake, Bowling, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Gilmer, Goodwin, Greer, Grimsley, Hammett, Harper (T), Harvey, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, McKee, McMillan, Manley, Minus, Mitchell, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Stewart, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—60

Nays: Reps. Howard and Trammell.

—2

And the bill:

H. 218. (With Amendment): To amend several sections of present law relating to public health. The section amended include 22-11-1, 22-11-2, 22-11-3, 22-11-4, 22-11-5, 22-11-6, 22-11-7, 22-11-8, 22-11-12, 22-11-13, 22-11-14, 22-11-15, 22-11-16, 22-12-3, 22-12-4, 22-20-2, Code of Alabama, 1975, relating to notifiable diseases, and repeals Section 22-13-12, Code of Alabama, 1975, relating to cancer treatment reports.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Health, said committee amendment being as follows:

Amend House Bill 218, Section 7, Page 5, Line 20, after the word "sick" by striking shall and insert in lieu thereof may.

And the amendment was adopted.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Bedsole, Biddle, Bowling, Cabaniss, Carter, Cates, Clark (W), Cobb, Cooley, Cosby, Crow, Drinkard, Edwards, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (T), Howard, Johnson (R. G.), Kennedy, Langford, McKee, McMillan, Minus, Mitchell, Moore, Nevett, Olive, Patton, Penry, Rains, Ray, Roberts, Shoemaker, Smith (C), Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Whatley, Wyatt and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 218 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Bedsole, Biddle, Blake, Bowling, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (W), Cobb, Cooley, Cosby, Crow, Dial, Drinkard, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (T), Harvey, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Patton, Pegues, Penry, Rains, Ray, Roberts, Shoemaker, Smith (C), Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Willis and Wyatt.

—59

H. 640 TEMPORARILY POSTPONED

On motion of Rep. Sasser, the bill, H. 640, was temporarily postponed.

H. 781 TEMPORARILY POSTPONED

On motion of Rep. Cates, the bill, H. 781, was temporarily postponed.

H. 380 TEMPORARILY POSTPONED

On motion of Rep. Clark (G), the bill, H. 380, was temporarily postponed.

And the bill:

H. 19. To prohibit the levy of an increased amount of alcoholic beverage tax on the increased amount that a "collector's" bottle of liquor as defined by the alcoholic beverage control board sells for over the amount a regular bottle of the same size and kind of liquor sells for.

Was taken up.

SUBSTITUTE OFFERED

Rep. Albright offered the following substitute to the bill, H. 19:

A BILL TO BE ENTITLED AN ACT

To prohibit the levy of an increased amount of alcoholic beverage tax on the increased amount that a "collector's" bottle of liquor as defined by the alcoholic beverage control board or "gift pack" of wine sells for over the amount a regular bottle of the same size and kind of liquor or wine sells for.

Be it Enacted by the Legislature of Alabama:

Section 1. It is hereby prohibited to levy an increased amount of alcoholic beverage tax on the increased amount that a "collector's" bottle of liquor as defined by the alcoholic beverage control board or "gift pack" of wine sells for over the amount a regular bottle of the same size and kind of liquor or wine sells for.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 42; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Albright, Bedsole, Bennett, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Crow, Edwards, Gilmer, Greer, Gregg, Hall, Hammett, Harper (T), Holmes, Howard, Johnson (Roy), Langford, Manley, Minus, Nevett, Owens, Patton, Ray, Riddick, Roberts, Stewart, Trammell, Tucker, Turner, Venable, Ward, Warren, Whatley and Wyatt.

—42

Nay: Rep. Rains.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 19. To prohibit the levy of an increased amount of alcoholic beverage tax on the increased amount that a "collector's" bottle of liquor as defined by the alcoholic beverage control board or "gift pack" of wine sells for over the amount a regular bottle of the same size and kind of liquor or wine sells for.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 40; Nays 1.

Yeas:

Mr. Speaker, Albright, Bennett, Blake, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (W), Cobb, Coburn, Gilmer, Greer, Gregg, Hall, Hammett, Holmes, Howard, Johnson (R. G.), Kennedy, Langford, Minus, Nevett, Patton, Pegues, Ray, Riddick, Roberts, Seibels, Smith (J), Trammell, Tucker, Turner, Venable, Warren, Whatley, Williams and Wyatt.

—40

Nay: Rep. Manley.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 422. To permit garnishment of up to forty percent (40%) of wages for child support and to make technical procedural changes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 1.

Yeas:

Mr. Speaker, Adams (H), Barton, Brakefield, Cabaniss, Carter, Cates, Cheatwood, Clark (W), Cobb, Cooley, Cosby, Crow, Dixon, Edwards, Escott, Gilmer, Gregg, Grimsley, Hammett, Howard, Johnson (Roy), Kennedy, Laird, McKee, Minus, Nevett, Olive, Owens, Parker, Payne, Pegues, Rains, Ray, Riddick, Roberts, Seibels, Smith (C), Smith (J), Stewart, Trammell, Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—50

Nay: Rep. Manley.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 423. To amend Section 26-12-7, of the Code of Alabama 1975, so as to change the time limitation within which proceedings may be brought under this Act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Barton, Bennett, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Dixon, Edwards, Escott, Gilmer, Grimsley, Grouby, Hammett, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, McKee, McMillan, Manley, Minus, Nevett, Olive, Owens, Parker, Pegues, Penry, Rains, Ray, Riddick, Seibels, Smith (C), Smith (J), Stewart, Trammell, Tucker, Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—57

CO-SPONSOR ADDED

Rep. Barton was added as co-sponsor to the bill, H. 423.

And the bill:

H. 2. (With Substitute): To provide that all employees of Alabama Educational Television shall be covered under the state merit system law.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To provide that certain employees of Alabama Educational Television shall be covered under the state merit system and to provide for an effective date.

Be it Enacted by the Legislature of Alabama:

Section 1. All persons employed on a full-time basis by Alabama Educational Television or Alabama Public Television Network, who were employed after January 1, 1981, shall be covered under the state merit system law and shall be extended all benefits of such system.

Section 2. The classification of personnel employed prior to January 1, 1981, shall not result in any decrease in salary or benefits already vested in said employees, nor shall said classification result in the termination of employment of any presently employed person for failure to meet any qualifications issued by the state personnel department.

Section 4. The provisions of this Act shall become effective 90 days after its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Bedsole, Bennett, Brakefield, Cabaniss, Cates, Cheatwood, Clark (W), Cobb, Cooley, Crow, Dixon, Drinkard, Edwards,

Escott, Gilmer, Gregg, Grimsley, Grouby, Hammett, Harper (T), Kennedy, Laird, McKee, McMillan, Minus, Nevett, Olive, Pegues, Penry, Rains, Ray, Riddick, Seibels, Smith (C), Stewart, Trammell, Turner, Venable, Ward, Warren, Whatley, Williams and Wyatt.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

CO-SPONSOR ADDED

Rep. Wyatt was added as co-sponsor to the bill, H. 2.

H. 2 TEMPORARILY POSTPONED

On motion of Rep. Hammett, the bill, H. 2 as amended, was temporarily postponed.

And the bill:

H. 513. To amend Sections 9-11-48 and 9-11-49, Code of Alabama 1975, which provide for nonresident licenses for hunting trips, so as to extend the period of the trip to seven days.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Barton, Bennett, Biddle, Brakefield, Cabaniss, Carter, Cates, Cheatwood, Cooley, Cosby, Dixon, Edwards, Gilmer, Grimsley, Grouby, Hammett, Harvey, Holmes, Howard, Johnson (R. G.), Kennedy, Langford, McKee, McMillan, Minus, Moore, Nevett, Olive, Owens, Payne, Penry, Rains, Ray, Riddick, Sasser, Smith (C), Stewart, Trammell, Tucker, Turner, Venable, Ward, Warren, Whatley, Williams and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 717. To amend section 32-5A-171, Code of Alabama 1975, relating to speed limits so as to prescribe further for the speed limits on 4 lane and interstate highways.

Was taken up.

AMENDMENT OFFERED

Rep. Greer offered the following amendment to the bill, H. 717:

Amend H. B. 717, page 2, Section 1, line 24 after the word "law" by adding or federal guideline;

Further amend H. B. 717, page 2, Section 1, line 25 by adding a comma (,) after the word "maintenance";

Further amend H. B. 717, page 2, Section 1, beginning line 26 by striking the word and; striking the period (.) after the word "construction" and inserting in lieu thereof a comma (,) and adding the following language and beautification. Provided, however, the governor must authorize within five (5) days, the rates of speed so designated in subdivisions (3) and (4) after the end of any such law or guideline.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 39; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Biddle, Brakefield, Cabaniss, Carter, Coburn, Edwards, Gafford, Gilmer, Grouby, Hall, Hammett, Harper (T), Harvey, Holmes, Kennedy, Laird, Langford, Manley, Moore, Nevett, Olive, Owens, Payne, Ray, Riddick, Roberts, Smith (C), Stewart, Trammell, Turner, Warren, Whatley and Williams.

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Nays: Reps. Rains and Willis.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Willis offered the following amendment to the bill, H. 717 as amended:

AMENDMENT TO HOUSE BILL 717, in title, page 1, line 19, by striking after the words "limits on" the following: 4 lane and

Further amend H. B. 717, page 2, lines 11 and 12 after the words "excess of" by striking the following: 60 miles an hour on 4 lane highways nor in excess of

Further amend H. B. 717, page 2, lines 20 and 21 after the words "excess of" by striking the following: 60 miles an hour on 4 lane highways nor in excess of

AMENDMENT TABLED

On motion of Rep. Greer, the amendment offered by Rep. Willis to the bill, H. 717 as amended, was tabled.

Yeas 41; Nays 21.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Biddle, Blake, Cabaniss, Campbell, Carter, Cheatwood, Clark (G), Cobb, Cooley, Daniels, Ford,

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Gilmer, Greer, Hall, Harper (O), Holley, Holmes, Johnson (Roy), Kennedy, Laird, Langford, McKee, Manley, Moore, Nevett, Olive, Owens, Parker, Pegues, Penry, Roberts, Smith (C), Stewart, Trammell, Turner, Wyatt and Zoghby.

—41

Nays:

Reps. Bennett, Cates, Coburn, Drinkard, Edwards, Grimsley, Harper (T), Howard, Kelley, Patton, Payne, Riddick, Seibels, Stout, Tucker, Venable, Ward, Warren, Whatley, Williams and Willis.

—21

And the bill, H. 717 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 17.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Campbell, Carter, Clark (W), Cobb, Cooley, Crow, Daniels, Dial, Dixon, Gafford, Gilmer, Greer, Grouby, Hall, Harper (O), Harper (T), Harvey, Holley, Holmes, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, McKee, Moore, Nevett, Olive, Owens, Parker, Patton, Roberts, Stewart, Trammell, Turner, Willis, Wyatt and Zoghby.

—51

Nays:

Reps. Cates, Coburn, Drinkard, Ford, Hammett, Howard, Johnson (Roy), Payne, Rains, Riddick, Seibels, Smith (C), Stout, Tucker, Venable, Warren and Whatley.

—17

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 331. To amend Section 38-7-3, Code of Alabama 1975, relating to the licensing of child care facilities, so as to exempt certain preschool programs operated by churches and religious nonprofit elementary schools from the requirement of being licensed, and provide further for the operation of said child care facilities.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Grouby, the House concurred in and adopted the Senate amendment to the bill, H. 331, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 38-7-3, Code of Alabama 1975, relating to the licensing of child care facilities, so as to exempt certain preschool programs operated by churches and religious nonprofit elementary schools from the requirement of being licensed, and provide further for the operation of said child care facilities.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 38-7-3, Code of Alabama 1975, is hereby amended to read as follows:

"Sec. 38-7-3.

"No person, group of persons or corporation may operate or conduct any facility for child care, as defined in this chapter, without being licensed or approved as provided in this chapter; provided, however, that nothing in this section or in this chapter prohibits an employee of the department from carrying out the duties of the department as provided in this title. Provided, further, the provisions of this chapter shall not apply to preschool programs which are an integral part of a local church ministry or a religious nonprofit elementary school, and are so recognized in the church or school's documents, whether operated separately or as a part of a religious nonprofit elementary school unit, secondary school unit or institution of higher learning under the governing board or authority of said local church or its convention, association, or regional body to which it may be subject; provided that notice is filed by the governing board or authority of the church or school with the department that said church or school meets the definition of a local church ministry or a religious nonprofit elementary school under terms of this Act and are exempt from regulation by the department and a notice of intent to operate said programs is given to the appropriate fire and health departments so that said facilities shall be inspected in accordance with the state and local fire and health requirements for such programs. In addition, all exempt churches hereunder shall publish annually, on church letterhead, a notice to the department certifying that the following records are being maintained by the church: fire and health inspection reports; immunization verifications for all children; medical history forms for all staff and children and that the following information shall be available to parents or guardian prior to enrolling their children in said church ministry; staff qualifications; pupil-staff ratio; discipline policies; type of curriculum used in the learning program; the religious teachings to be given each child; and the type of lunch program available; provided further that prior to enrolling and annually thereafter parents or guardian and a responsible individual representing the governing board as authority of the church or school be required to sign and file with the department the affidavits provided by this Act that the parents or guardian have been notified by said responsible individual that the church or school has filed notice and is exempt from regulation by the department. The district attorney of the county in which the preschool program is located shall, upon proper presentment of charges, investigate at his discretion any allegations against any such church under the laws of the State of Alabama."

Section 2. FORM OF AFFIDAVIT (for parent/guardian)

STATE OF ALABAMA)

COUNTY OF)

Before me, a Notary Public in and for said State and County, appeared _____ and is known to me, after being duly sworn or affirmed, says as follows:

That affiant is the parent or legal guardian of the minor child/children _____; that affiant has been notified by _____, a representative of _____ Church/School, that said church or school has filed notice and is exempt under law from regulation by The Department of Pensions and Security.

_____ Parent/Legal Guardian, Sworn, or affirmed to and subscribed before me this _____ day of _____, 19____.

FORM OF AFFIDAVIT (for Church/School)

STATE OF ALABAMA)

COUNTY OF)

Before me, a Notary Public in and for said State and County, appeared and is known to me, after being duly sworn or affirmed says as follows:

That affiant is the designated representative of _____ Church/School and that the below listed parents/guardians have been notified prior to enrollment/reenrollment that _____ Church/School has filed notice with and is exempt under law from regulation by The Department of Pensions and Security: _____.

_____ Representative, Sworn or affirmed to and subscribed before me this _____ day of _____, 19____.

_____ Notary Public

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 58; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Blake, Brakefield, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (W), Cobb, Cooley, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gilmer, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, McKee, Minus, Moore, Olive, Owens, Parker, Rains, Riddick, Roberts, Seibels, Shoemaker, Smith (C), Stewart, Trammell, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghyby.

Nay: Rep. Turnham.

—1

And the bill, H. 331 as thus amended, was again read at length and passed.

Yeas 62; Nays 5.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Blake, Brakefield, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Johnson (R. G.), Kelley, Kennedy, Langford, Lewis, McKee, Manley, Minus, Moore, Olive, Owens, Parker, Payne, Pegues, Rains, Roberts, Shoemaker, Smith (C), Smith (J), Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—62

Nays: Reps. Coburn, Johnson (Roy), Seibels, Smith (M) and Turnham. —5

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Teague:

S. 243. Relating to the Public Service Commission; amending Section 37-1-11 of the Code of Alabama 1975, relating to compensation for the president and associate commissioners so as to further provide therefor; providing for expense allowances for such officials payable from the general fund of the state treasury.

Also:

By Mr. Higginbotham:

S. 134. To prohibit certain acts relating to tampering with motor vehicle odometers, to require transferor's giving of an odometer certification, recording of mileage on title or bill of sale; and to provide penalties for violation.

Also:

By Mr. Pearson:

S. 115. To make a supplemental appropriation to the State Board of Pardons and Paroles for the fiscal year ending September 30, 1981.

Also:

By Mr. Mitchem:

S. 524. To amend section 24-1-24, Code of Alabama 1975, dealing with housing authorities, so as to provide further for compensation to be paid to commissioners employed by such housing authorities in certain municipalities.

Also:

By Mr. St. John:

S. 299. To amend Section 11-50-15, Code of Alabama, 1975, to authorize an increase in the fees paid to directors of public corporations operating water systems, gas systems, electric systems or combinations of such systems; establishing an effective date.

Also:

By Mr. McDonald:

S. 549. To authorize and provide for the promotion of the production, marketing, use and sale of cotton and cotton products by research, education, advertising and other methods; to prescribe a method whereby cotton producers may act jointly with handlers, ginners, buyers, processors, the state board of agriculture and industries, and others, for a promotional program; to provide that producers may by referendum levy upon themselves assessments for financing a promotional program and for the collection, disbursements and expenditures of funds collected from assessments; to provide for the regulations, requirements and authority relative thereto; to provide for refund of assessments; to prescribe duties of the commissioner of agriculture and industries and the state board of agriculture and industries with respect to a promotional program for the cotton producers of Alabama; to provide for the administration thereof by a commission, which is fairly and substantially representative of the producers of cotton throughout the state and to regulate the establishment of such commissions; to provide for collection and distribution of assessments; to require ginners of cotton to collect assessments levied under this act; and to prescribe other administrative, enforcement, promotional and penalty provisions.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 243. Ways and Means.
- S. 134. Judiciary.
- S. 115. Ways and Means.
- S. 524. Local Government.
- S. 299. Local Government.
- S. 549. Agriculture and Forestry.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and sends same herewith to the House:

By Mr. Goodwin:

S. 317. To further regulate the sale of alcoholic beverages under the supervision of the Alabama Alcoholic Beverage Control Board in each municipality, in each county, and in all state parks; to authorize referendum

elections in each municipality, except Class 8 municipalities, to determine if the sale of alcoholic beverages within the corporate limits will be allowed or if the sale of alcoholic beverages within the corporate limits will be prohibited, upon the petition of 25% of the number of registered voters casting a ballot in the last municipal election in said municipality; to provide that a period of not less than 720 days must elapse between the dates of such referendum elections; to authorize the governing authority of each municipality to establish the hours of sale for alcoholic beverages in the corporate limits and the governing authority of the county to establish the hours of sale for alcoholic beverages outside the corporate limits but within the county each and every day of the week, to provide that the governing authority of each municipality must approve each retail alcoholic beverage license application location within the corporate limits and the governing authority of the county must approve each retail alcoholic beverage license application outside the corporate limits but within the county before the Alabama Alcoholic Beverage Control Board has the authority to issue a retail alcoholic beverage license; to provide that the Alabama Alcoholic Beverage Control Board may issue, with the approval of the Commissioner of the Department of Conservation and Natural Resources, a special retail license to any state park, in wet counties only, in Alabama or the franchisees or concessionaires of state parks; and to further provide that the Commissioner of the Department of Conservation and Natural Resources may establish the hours of sale of alcoholic beverages in state parks.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 317. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Miller:

S. 441. To amend Sections 37-1-12 and 37-2-12.1 of the Code of Alabama 1975, relating to the appointment and employment of personnel in the Alabama Public Service Commission, so as to provide that such employees may be appointed or employed within or without the merit system and shall be entitled to all benefits as the classified service personnel.

Also:

By Mr. Figures:

S. 445. To amend Section 11-41-8, Code of Alabama 1975, which provides for validation of prior attempted incorporations that had been invalidated by procedural irregularities, so as to validate all those attempts prior to January 1, 1981.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 441. Ways and Means.
- S. 445. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Taylor (With Notice and Proof):

S. 568. Providing for purging the lists of registered voters in Lowndes County; requiring and prescribing the procedure for the reidentification of registered voters; placing certain duties on the board of registrars and the county governing body relative to the reidentification of registered voters.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 568, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Taylor (With Notice and Proof):

S. 569. Providing for purging the lists of registered voters in Wilcox County; requiring and prescribing the procedure for the reidentification of registered voters; placing certain duties on the board of registrars and the county governing body relative to the reidentification of registered voters.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 569, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. McDonald (With Notice and Proof):

S. 572. To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Limestone County; and to provide for the expenditure of the funds in the office of the judge of probate.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 572, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

By Mr. McDonald (With Notice and Proof):

S. 571. Relating to Madison County; to amend Section 1 of Act No. 120, H. 599, Regular Session of 1973 (Acts 1973, p. 153), so as to provide further for expense allowances of certain county officers.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 571, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 568. Local Legislation No. 1.
- S. 569. Local Legislation No. 1.
- S. 572. Local Legislation No. 1.
- S. 571. Local Legislation No. 4.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 32. To amend the following sections of Title 7 of the Code of Alabama 1975: Section 7-1-105 pertaining to territorial application of title 7, and parties' power to choose applicable law; Section 7-1-201 pertaining to general definitions; Section 7-2-107 pertaining to goods to be severed from realty, and recording; Section 7-5-116 pertaining to transfer and assignment; Section 7-9-102 pertaining to policy and scope of Article 9; Section 7-9-103 pertaining to accounts, contract rights, general intangibles and equipment relating to another jurisdiction, and incoming goods already subject to a security interest; Section 7-9-104 pertaining to transactions excluded from Article 9; Section 7-9-105 pertaining to definitions and index of definitions; Section 7-9-106 pertaining to definitions of "account," "contract right," and "general intangibles"; Section 7-9-203 pertaining to enforceability of the security interest, proceeds, and formal requisites; Section 7-9-204 pertaining to when the security interest attaches, after-acquired property, and future advances; Section 7-9-205 pertaining to the permissibility of use or disposition of collateral without accounting; Section 7-9-301 pertaining to persons who take priority over unperfected security interests, and "lien creditors"; Section 7-9-302 pertaining to when filing is required to perfect the security interest, and security interests to which the filing provisions of Article 9 do not apply; Section 7-9-304 pertaining to perfection of security interests in instruments, documents, and goods covered by documents, perfection by permissive filing, and temporary perfection without filing or transfer of possession; Section 7-9-305 pertaining to when possession by the secured party perfects the security interest without filing; Section 7-9-306 pertaining to "proceeds,"

and the secured party's rights on disposition of collateral; Section 7-9-307 pertaining to protection of buyers of goods; Section 7-9-308 pertaining to purchase of chattel paper and nonnegotiable instruments; Section 7-9-310 pertaining to priority of certain liens arising by operation of law; Section 7-9-312 pertaining to priorities among conflicting security interests in the same collateral; Section 7-9-313 pertaining to priority of security interests in fixtures; Section 7-9-318 pertaining to defenses against assignees, modification of contract after notification of assignment, ineffectiveness of a term prohibiting assignment, and identification and proof of assignment; Section 7-9-401 pertaining to place of filing, erroneous filing, and removal of collateral; Section 7-9-402 pertaining to formal requisites of financing statements, and amendments; Section 7-9-403 pertaining to what constitutes filing, duration of filing, effect of lapsed filing, and duties of filing officer; Section 7-9-404 pertaining to termination statements; Section 7-9-405 pertaining to assignment of security interests, duties of filing officer, and fees; Section 7-9-406 pertaining to release of collateral, duties of the filing officer, and fees; Section 7-9-407 pertaining to information from the filing officer; Section 7-9-408 pertaining to prescribed fees in lieu of all others (to be renumbered as Section 7-9-409); Section 7-9-501 pertaining to default, and the procedure when the security agreement covers both real and personal property; Section 7-9-502 pertaining to collection rights of the secured party; Section 7-9-504 pertaining to the secured party's right to dispose of collateral after default, and effect of disposition; and Section 7-9-505 pertaining to compulsory disposition of collateral, and acceptance of the collateral as discharge of obligation.

And to add to Title 7 of the Code of Alabama 1975 the following new sections: Section 7-9-114 pertaining to consignments; Section 7-9-408 pertaining to financing statements covering consigned or leased goods (with the present Section 7-9-408 to be renumbered as Section 7-9-409); Section 7-11-101 pertaining to effective date and definitions; Section 7-11-102 pertaining to preservation of old transition provision; Section 7-11-103 pertaining to the general rule for transition to the new U. C. C.; Section 7-11-104 setting forth the transition provision on change of requirement of filing; Section 7-11-105 setting forth the transition provision on change of place of filing; Section 7-11-106 pertaining to required refilings; Section 7-11-107 setting forth the transition provisions as to priorities; Section 7-11-108 pertaining to the presumption that rule of law continues unchanged; and Section 7-11-109 amending Section 35-9-60, Code of Alabama 1975, pertaining to landlord's liens, and amending Section 32-8-61, Code of Alabama 1975, pertaining to perfection of security interests under the Alabama Uniform Certificate of Title and Antitheft Act.

McDOWELL LEE,
Secretary.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:35 P. M. on April 14, 1981.

H. 753.

Delivered to the Governor at 3:35 P. M. on April 14, 1981.

H. 471 (Executive Amendment)

Delivered to the Governor at 4:55 P. M. on April 14, 1981.

H. J. R. 229.

H. J. R. 234.

H. J. R. 236.

H. J. R. 237.

H. J. R. 238.

H. 51.

H. 686.

H. 820.

H. 827.

H. 828.

H. 829.

H. 830.

H. 831.

H. 832.

JOWN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Blake and pursuant to the resolution, H. R. 230, heretofore adopted, the House adjourned until 10:00 o'clock a. m., Thursday, April 16, 1981.

Yeas 49; Nays 32.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Daniels, Dial, Dixon, Edwards, Escott, Ford, Gafford, Grimsley, Harvey, Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Manley, Moore, Olive, Patton, Pegues, Ray, Roberts, Shoemaker, Smith (M), Stewart, Stout, Trammell, Turner, Waggoner, Whatley, Williams, Willis and Wyatt.

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Nays:

Reps. Albright, Amari, Barton, Bedsole, Carothers, Carter, Cates, Coburn, Cosby, Crow, Greer, Gregg, Hall, Hammett, Harper (T), Holley, Holmes, Howard, Johnson (R. G.), Lewis, McKee, Minus, Parker, Payne, Rains, Seibels, Smith (C), Smith (J), Starkey, Turnham, Venable and Warren.

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TWENTIETH DAY

House of Representatives
Montgomery, Alabama
Thursday, April 16, 1981

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. John Ed Mathison, Minister, Frazer Memorial United Methodist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the nineteenth legislative day and finds the same to be correct.

JACK BIDDLE, III,
Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the nineteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the nineteenth legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Manley, leave of absence was granted for Rep. Hines, due to illness.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Manley:

H. R. 245. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn today, Thursday, April 16, 1981, we adjourn to meet again on Tuesday, April 21, 1981, at 1:00 P.M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 245, was adopted.

Also:

By Reps. Seibels and McKee:

H. R. 246. STATING PERTINENT FACTS REGARDING THE PAROLE OF RICHARD MARK ELLARD, CENSURING THE ALABAMA BOARD OF PARDONS AND PAROLES, AND CALLING FOR AN INVESTIGATION BY A HOUSE COMMITTEE TO BE APPOINTED BY THE SPEAKER.

WHEREAS, Richard Mark Ellard did, within the last eight years, receive two concurrent life sentences in the States of Alabama and Georgia for the brutal sex slayings of Charlotte Parks and UAB coed Sandra Swisher, whose skeleton was found some six months later in Douglas County, Georgia after kidnapping and murder; and

WHEREAS, this same Richard Mark Ellard did attack and brutalize and cause the loss of an eye of Mrs. Nancy Conn, a widowed woman and mother of two who was with Miss Charlotte Parks the night of Miss Parks' death; and

WHEREAS, Richard Mark Ellard even now could face kidnapping charges in connection with the kidnapping and brutal beating of Mrs. Nancy Conn when she was left for dead the night of Miss Parks' murder; and

WHEREAS, Richard Mark Ellard did also during his imprisonment in Alabama manage two jail escapes while serving two concurrent life sentences—the second escape coming only three years ago; and

WHEREAS, this same Mrs. Nancy Conn did offer testimony that helped to convict Ellard; and

WHEREAS, Mrs. Nancy Conn, an aunt of the murdered Miss Charlotte Parks, did during the summer of 1977, with her two children live in hiding because of the threats and fear of death during the six months that Richard Mark Ellard was escaped from prison; and

WHEREAS, the Alabama Board of Pardons and Paroles, and the public at large, have had good reason through the vast news media coverage to know of these two brutal sex-related murders by Richard Mark Ellard and the inhumane treatment of Mrs. Nancy Conn by Ellard when she lost an eye as a result of the beating and was left for dead by Ellard; and

WHEREAS, the Alabama public at large was at this time in 1971 shocked and deeply disturbed by the reported brutal sex slayings of Miss Parks and Miss Swisher and later information on the beating and loss of an eye of Mrs. Nancy Conn by Richard Mark Ellard; and

WHEREAS, the members of this House of Representatives of the great State of Alabama and the public at large are surprised, disturbed and anguished with the recent action of the Alabama Board of Pardons and Paroles in the paroling of this same Richard Mark Ellard; and

WHEREAS, we members of the House of Representatives do believe that the members of the State Parole Board did, in paroling sex slayer Richard Mark Ellard, act irresponsibly in the performance of their duties; and

WHEREAS, such an irresponsible parole decision by the State Parole Board is frustrating to this law-making body, to all our law enforcement agents and to the public at large; and

WHEREAS, the rationale for this parole decision appears to be weak, nebulous, disorganized and without full consideration of all the pertinent facts; and

WHEREAS, this irresponsible parole action by the Pardons and Paroles Board in this Ellard case is discouraging to law enforcement officers, prosecutors, victims and innocent witnesses trying to do their duty—and it further encourages other sex slayers serving life imprisonment; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That this body gathered here on this 16th day of April 1981, does hereby censure the Alabama Board of Pardons and Paroles for its irresponsible parole action on Richard Mark Ellard.

BE IT FURTHER RESOLVED, That this Alabama House of Representatives does respectfully request our Honorable Speaker to appoint immediately an investigative committee of the House members to fully investigate all the facts of the Ellard parole so that the members of this governing body and the public at large may be fully apprised of all the pertinent facts of the rationale relating to this unwarranted parole decision by the state parole board.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Seibels offered the motion to suspend the rules and adopt the resolution, H. R. 246.

DIVISION OF THE QUESTION

Rep. Tucker called for the division of the Question and the call was sustained.

MOTION TO SUSPEND RULES

The question was then on the motion offered by Rep. Seibels to suspend the rules in order to take up for immediate consideration the resolution, H. R. 246, and the motion was adopted.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Bennett, Biddle, Blake, Bowling, Brakefield, Campbell, Carothers, Carter, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Johnson (R. G.), Kelley, Laird, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Parker, Patton, Payne, Pegues, Rains, Ray, Riddick, Roberts, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Starkey, Trammell, Turner, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

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RESOLUTION ADOPTED

On motion of Rep. Seibels, the resolution, H. R. 246, was adopted.

CO-SPONSORS ADDED

The following were added as co-sponsors to the resolution, H. R. 246:

Reps. Albright, Bennett, Brakefield, Cheatwood, Cobb, Cooley, Cosby, Dixon, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harvey, Laird, Mitchell, Naramore, Olive, Payne, Rains, Riddick, Smith (C), Venable, Waggoner, Williams, Wyatt and Zoghby.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 32. To amend the following sections of Title 7 of the Code of Alabama 1975: Section 7-1-105 pertaining to territorial application of title 7, and parties' power to choose applicable law; Section 7-1-201 pertaining to general definitions; Section 7-2-107 pertaining to goods to be severed from realty, and recording; Section 7-5-116 pertaining to transfer and assignment; Section 7-9-102 pertaining to policy and scope of Article 9; Section 7-9-103 pertaining to accounts, contract rights, general intangibles and equipment relating to another jurisdiction, and incoming goods already subject to a security interest; Section 7-9-104 pertaining to transactions excluded from Article 9; Section 7-9-105 pertaining to definitions and index of definitions; Section 7-9-106 pertaining to definitions of "account," "contract right," and "general intangibles"; Section 7-9-203 pertaining to enforceability of the security interest, proceeds, and formal requisites; Section 7-9-204 pertaining to when the security interest attaches, after-acquired property, and future advances; Section 7-9-205 pertaining to the permissibility of use or disposition of collateral without accounting; Section 7-9-301 pertaining to persons who take priority over unperfected security interests, and "lien creditors"; Section 7-9-302 pertaining to when filing is required to perfect the security interest, and security interests to which the filing provisions of Article 9 do not apply; Section 7-9-304 pertaining to perfection of security interests in instruments, documents, and goods covered by documents, perfection by permissive filing, and temporary perfection without filing or transfer of possession; Section 7-9-305 pertaining to when possession by the secured party perfects the security interest without filing; Section 7-9-306 pertaining to "proceeds," and the secured party's rights on disposition of collateral; Section 7-9-307 pertaining to protection of buyers of goods; Section 7-9-308 pertaining to purchase of chattel paper and nonnegotiable instruments; Section 7-9-310 pertaining to priority of certain liens arising by operation of law; Section 7-9-312 pertaining to priorities among conflicting security interests in the same collateral; Section 7-9-313 pertaining to priority of security interests in fixtures; Section 7-9-318 pertaining to defenses against assignees, modification of contract after notification of assignment, ineffectiveness of a term prohibiting assignment, and identification and proof of assignment; Section 7-9-401 pertaining to place of filing, erroneous filing, and removal of collateral; Section 7-9-402 pertaining to formal requisites of financing statements, and amendments; Section 7-9-403 pertaining to what constitutes filing, duration of filing, effect of lapsed filing, and duties of filing officer; Section 7-9-404 pertaining to termination statements; Section 7-9-405 pertaining to assignment of security interests, duties of filing officer, and fees; Section 7-9-406 pertaining to release of collateral, duties of the filing officer, and fees;

Section 7-9-407 pertaining to information from the filing officer; Section 7-9-408 pertaining to prescribed fees in lieu of all others (to be renumbered as Section 7-9-409); Section 7-9-501 pertaining to default, and the procedure when the security agreement covers both real and personal property; Section 7-9-502 pertaining to collection rights of the secured party; Section 7-9-504 pertaining to the secured party's right to dispose of collateral after default, and effect of disposition; and Section 7-9-505 pertaining to compulsory disposition of collateral, and acceptance of the collateral as discharge of obligation.

And to add to Title 7 of the Code of Alabama 1975 the following new sections: Section 7-9-114 pertaining to consignments; Section 7-9-408 pertaining to financing statements covering consigned or leased goods (with the present Section 7-9-408 to be renumbered as Section 7-9-409); Section 7-11-101 pertaining to effective date and definitions; Section 7-11-102 pertaining to preservation of old transition provision; Section 7-11-103 pertaining to the general rule for transition to the new U.C.C.; Section 7-11-104 setting forth the transition provision on change of requirement of filing; Section 7-11-105 setting forth the transition provision on change of place of filing; Section 7-11-106 pertaining to required refilings; Section 7-11-107 setting forth the transition provisions as to priorities; Section 7-11-108 pertaining to the presumption that rule of law continues unchanged; and Section 7-11-109 amending Section 35-9-60, Code of Alabama 1975, pertaining to landlord's liens, and amending Section 32-8-61, Code of Alabama 1975, pertaining to perfection of security interests under the Alabama Uniform Certificate of Title and Antitheft Act.

Also:

H. 331. To amend Section 38-7-3, Code of Alabama 1975, relating to the licensing of child care facilities, so as to exempt certain preschool programs operated by churches and religious nonprofit elementary schools from the requirement of being licensed, and provide further for the operation of said child care facilities.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced:

By Reps. Amari, Bennett, Adams (H), Bowling, Brakefield, Carter, Cheatwood, Clark (W), Cooley, Crow, Dixon, Drinkard, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Harper (O), Harvey, Holley, Howard, Laird, Langford, Letson, Lewis, McKee, McMillan, Minus, Naramore, Olive, Parker, Penry, Rains, Roberts, Seibels, Shavers, Smith (C), Stout, Turner, Waggoner, Warren, Willis and Wyatt.

H. J. R. 247. COMMENDING STATE EMPLOYEES FOR THEIR LOYAL SERVICE

WHEREAS, the Legislature of the State of Alabama recognizes that the efficient operation of state government is dependent on career state employees; and

WHEREAS, state employees, notwithstanding the most adverse of circumstances such as hiring freezes, decreased promotions, along with other economic difficulties, have continued to perform their duties in an exemplary manner, exercising great restraint in publicly expressing their grievances, choosing rather to responsibly contact their elected public officials; and

WHEREAS, the Legislature is appreciative of the cooperation and support of state employees and welcomes their continued input in our joint efforts to provide the best services possible for the people of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That state employees be encouraged to continue to relate to their elected public officials their feelings, sentiments, and opinions as to the operation of state government.

BE IT FURTHER RESOLVED, That state employees are hereby commended for their dedication to public service for the betterment of Alabama.

BE IT FINALLY RESOLVED, That the Legislature designate May 18, 1981, as "State Employees Appreciation Day."

On motion of Rep. Amari, the rules were suspended and the resolution, H. J. R. 247, was adopted.

BILLS ON SECOND READING

Rep. Owens, Chairman of the Sanding Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 437. To amend Section 25-4-54, Section 25-4-72, Section 25-4-75, 25-4-77 and 25-4-78 relating to the Alabama Unemployment Compensation Act by establishing a "solvency minimum amount" and requiring that when the Trust Fund balance is below this amount at the end of any fiscal year all employer tax rates that are computed under the experience rating plan will be increased by 0.5% and the maximum employer tax rate will be increased to 4.5%; by increasing all experience rated employer tax rates for the last two quarters of calendar year 1981 by 0.5% and by increasing the maximum tax rate for the same period to 4.5%; by basing a claimant's weekly benefit amount on his average earnings in the two high quarters of his base period; by increasing the maximum weekly benefit amount to \$100.00 effective July 1, 1981, and to \$111.00 effective January 1, 1982, and by raising the minimum weekly benefit amount to \$28.00 and increasing the minimum qualifying amount effective July 1, 1981, by use of a table for computing weekly benefit amounts; by providing a waiting week for claimants; by limiting payment of extended benefits if the claimant has not served a waiting period on his regular claim for voluntarily leaving, or misconduct, or refusal of suitable work, or has not made an effort to find work; by repealing

the provision that limits disqualification to the "most recent bona fide employment"; by changing the penalty for a disqualification involving a voluntary quit or discharge for misconduct after warning by providing for disqualification for the duration of unemployment and cancelling 75% of the benefits; by eliminating most non-charging of benefit wages to employers' experience rating accounts; by changing the penalty for discharge for misconduct until the claimant has re-entered employment and cancelling 6 to 10 weeks of benefits instead of 2 to 6; by changing the penalty for disciplinary suspension from a maximum of 4 weeks to a maximum of 10 weeks; by redefining suitable work so that the length of unemployment will determine the suitability of a wage offer and so as to provide for consideration of reassignment just prior to the claimant's establishing a benefit year; and, by changing the penalty for refusing suitable work to a disqualification until the claimant has re-entered employment and worked for 10 weeks in each of which he was paid wages as much as his weekly benefit amount; and, by providing for the deduction of $\frac{1}{2}$ of primary social security benefits and $\frac{1}{2}$ of railroad retirement benefits from the claimant's unemployment benefits.

H. 571. To provide for consideration for a merit increase in salary for all state employees who have successfully completed the Certified Professional Secretary's examination.

H. 604. To create an additional judgeship for the Thirty-third Judicial Circuit of Alabama; to provide for the election of the first judge and of subsequent judges to fill this judgeship; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judge, and to render such judge liable to all the pains and penalties of other circuit judges in this state; to increase the number of circuit judges in the Thirty-third Judicial Circuit of Alabama to two; to amend Section 12-17-20 of the 1975 Code of Alabama; to repeal all laws or parts of laws in conflict herewith, and to provide the effective date of this act.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 621. (With Amendment): To exempt certain catalogues from state, county and municipal sales and use taxes; to provide retroactive effect and to provide certain refunds for prior taxed catalogues.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 678. (With Substitute): To provide that the finance department shall give any state agency the first priority on the purchase of any surplus, nonconsumable property of any other state agency or department; to repeal conflicting laws.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 697. (With Amendment): To require any public water supply system or any water works authority or corporation to charge a uniform price for water or service throughout the areas it serves. It provides penalties for violations.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 803. To provide for the payment of tuition and the cost of textbooks for an undergraduate student in a state college, junior college, state technical college or university, who is the dependent child or spouse who has not remarried, of a state law enforcement officer killed in the line of duty; to create a Tuition Eligibility Board to administer the provisions of the Act, and to prescribe its composition, duties and responsibilities; to appropriate necessary funds from the State General Fund.

H. 810. Relating to privilege or license taxes on mortgages, deeds of trust, contracts of conditional sale or other instruments of like character received for record or for filing: To amend Section 40-22-2, Code of Alabama 1975, which provides for the payment of privilege or license taxes for recording or filing of mortgages, deeds of trust, contracts of conditional sale and other instruments of like character so as to provide an alternative procedure for the recording of instruments securing open end or revolving indebtedness with any interest in residential property, and to provide that such privilege or license taxes shall be based upon the maximum principal indebtedness to be secured by such instrument at any time as stated in such instrument or any amendment thereto, irrespective of the cumulative amount advanced from time to time thereunder.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 823. (With Substitute): To make further conditional appropriations of General Fund monies for the fiscal year ending September 30, 1981.

H. 859. (With Substitute): To make further conditional appropriations of General Fund monies for the fiscal year ending September 30, 1981.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 887. To amend Section 5 of Act No. 79-545, H. 296 (Acts 1979, p. 985), which act relates to the procurement, development, restoration, maintenance, and preservation of wetlands for migratory waterfowl habitat, to reduce the amount of funds derived from the sale of the migratory waterfowl stamp which can be spent outside the United States from one-half to no more than ten (10) percent.

H. 710. To amend Section 16-33-4, Code of Alabama 1975, relating to educational benefits for dependents of blind parents so as to provide further for benefits of such children of deceased blind parents.

S. 259. To amend Section 22-18-2 of the Code of Alabama 1975 so as to exempt businesses or companies that provide free ambulance service to their employees from certain requirements in the operation of ambulances.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 317. To further regulate the sale of alcoholic beverages under the supervision of the Alabama Alcoholic Beverage Control Board in each municipality, in each county, and in all state parks; to authorize referendum elections in each municipality, except Class 8 municipalities, to determine if the sale of alcoholic beverages within the corporate limits will be allowed or if the sale of alcoholic beverages within the corporate limits will be prohibited, upon the petition of 25% of the number of registered voters casting a ballot in the last municipal election in said municipality; to provide that a period of not less than 720 days must elapse between the dates of such referendum elections; to authorize the governing authority of each municipality to establish the hours of sale for alcoholic beverages in the corporate limits and the governing authority of the county to establish the hours of sale for alcoholic beverages outside the corporate limits but within the county each and every day of the week; to provide that the governing authority of each municipality must approve each retail alcoholic beverage license application location within the corporate limits and the governing authority of the county must approve each retail alcoholic beverage license application outside the corporate limits but within the county before the Alabama Alcoholic Beverage Control Board has the authority to issue a retail alcoholic beverage license; to provide that the Alabama Alcoholic Beverage Control Board may issue, with the approval of the Commissioner of the Department of Conservation and Natural Resources, a special retail license to any state park, in wet counties only, in Alabama or the franchisees or concessionaires of state parks; and to further provide that the Commissioner of the Department of Conservation and Natural Resources may establish the hours of sale of alcoholic beverages in state parks.

H. 603. To amend Section 5-19-15 of the Code of Alabama 1975 relating to garnishment so as to conform to the federal statute.

S. 105. To amend Section 41-16-50, Code of Alabama 1975, relating to competitive bids, so as to further require certain municipal and county boards to let competitive bids on certain service and rental contracts and in certain instances where cumulative contracts awarded to an individual or a business entity exceed a certain monetary amount; and to provide certain exceptions thereto.

H. 916. This bill amends Section 6-5-462 so as to provide that all claims not of an equitable nature (except for injury to the reputation) survive in favor of and against personal representatives.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 182. To amend Section 37-1-66 relating to the powers of members of the Enforcement Division of the Public Service Commission.

H. 854. To regulate the production of alcohol to be used as a fuel; to require the Alcoholic Beverage Control Board to administer this law; to require the purchase of a permit; to provide for legal searches of the premises and to exempt said production from taxation.

H. 842. To amend Section 36-22-16 of the Code of Alabama, 1975, to provide for the compensation of the sheriffs of the several counties in this state.

H. 815. To prohibit any woman who has an illegitimate child and who receives public assistance for such child from receiving public assistance for more than the one illegitimate child.

H. 877. To amend Sections 34-29-4, 34-29-20, 34-29-23, 34-29-41 and 34-29-45, Code of Alabama 1975, which relate to the Alabama Board of Veterinary Medical Examiners, so as to provide further for the term and compensation of the members of the board and to increase the fees of the board.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 881. (With Amendments): To provide for the regulation and licensing of the practice of barbering and cosmetologists and related services; to provide for definitions; to provide for qualifications of applicants; to create a board to administer the provisions of this act; to provide for the qualifications, meetings, records, investigations of, and membership, terms of office and compensation of the board; to regulate cosmetology and barber shops and schools; to exempt public schools and trade schools from various provisions of the act; to require a certificate of health of applicants for licensure; to provide for examinations of applicants and to exempt certain persons actively practicing as of the date of this act from the requirements and examination of other applicants; to provide for temporary licensing and permits; to provide a schedule of fees charged licensees; to provide for reciprocity for out of state practitioners; to provide for the procedure for fee payment; to prohibit certain practices without licensing and to prescribe penalties for violation; to provide for disciplinary actions by the board and appeal procedures for aggrieved persons; to exempt certain emergency care or non-compensated services from the act; to authorize the board to promulgate and publish necessary rules and regulations not incompatible with this act; and to specifically repeal Sections 34-7-1 through 34-7-47, as amended, Code of Alabama 1975.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 555. To repeal Section 22-25-14 of the Code of Alabama 1975, relating to the certification of operators and trainees of water distribution systems or wastewater treatment plants.

S. 43. To provide that medical hospitals for humans, emergency rooms connected thereto, and nursing homes, submit itemized statements, upon request, to patients, of services rendered by said institutions and to provide penalties for failure to submit said statements

H. 560. To amend Section 26-10-4, Code of Alabama 1975, relating to adoptions, so as to further regulate the opening by the state registrar of vital statistics of the sealed package, on file in his office, containing the original certificate of birth with the decree of the court, upon demand of an adopted child who has attained his majority.

Rep. Cabaniss, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 292. To amend Section 27-15-11, Code of Alabama, 1975, which relates to the reinstatement of lapsed life insurance policies, so as to make the maximum interest rate on amounts of overdue premiums and other indebtedness to the insurer, payable upon reinstatement, the same as the interest rate on policy loans as specified in the policy in accordance with Section 27-15-8, Code of Alabama, 1975.

S. 233. To provide definitions and certain categories of standards, policy provisions, minimum anticipated loss ratio standards and consumer disclosure requirements relating to disability policies designed and sold as Medicare Supplement policies and to provide authority for the Commissioner of Insurance to promulgate regulations implementing these requirements consistent with the uniform standards promulgated by the National Association of Insurance Commissioners for the purpose of meeting the requirements of Public Law 96-265 (1980) to preserve to the State of Alabama the continued regulation of disability policies sold as Medicare Supplement coverage.

Rep. Cabaniss, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 276. (With Amendment): To amend Sections 27-8-1 through 27-8-8, 27-8-11 through 27-8-17, 27-8-20 through 27-8-22, and 27-8-26 through 27-8-28, Code of Alabama 1975, which provide for the licensing of life and disability insurance agents, brokers and representatives, so as to provide further for said licensing; to require educational instruction for new representatives; to permit the licensing of partnerships and corporations; to establish a fee schedule for licenses; to provide further for revocation or suspension of licenses and the procedure thereof; and to further provide for the issuance of temporary and nonresident licenses.

Rep. Whatley, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 928. Relating to franchise agreements between retailers engaged in the business of selling and retailing farm implements, machinery, utility and industrial equipment, attachment or repair parts, and wholesalers, manufacturers or distributors therefor; requiring repurchase of certain inventory, stock and equipment from such retailers upon termination of a contract between the retailer and wholesalers, manufacturers, or distributors, as the case may be; providing procedures for such repurchase; establishing limitations and rights upon such repurchase; providing civil liability for failure to repurchase; extending the right to require repurchase option to the heirs of retailers; providing for warranty claims; providing for contractual rights and indemnification; providing for auditing and prescribing time limits therefore and for collections.

Rep. Whatley, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 893. (With Substitute): To authorize and provide for the promotion of the production, marketing, use and sale of cotton and cotton products by research, education, advertising and other methods; to prescribe a method whereby cotton producers may act jointly with handlers, buyers, processors, the state board of agriculture and industries, and others, for a promotional program; to provide that producers may be referendum levy upon themselves assessments for financing a promotional program and for the collection, disbursements and expenditures of funds collected from assessments; to provide for the regulations, requirements and authority relative thereto; to provide for refund of assessments; to prescribe duties of the commissioner of agriculture and industries and the state board of agriculture and industries with respect to a promotional program for the cotton producers of Alabama; to provide for the administration thereof by a commission, council, board or other agency or a nonprofit association which is fairly and substantially representative of the producers of cotton throughout the state; to provide for collection and distribution of assessments by dealers, handlers and buyers of cotton; to require an annual permit of such dealers, processors and other buyers; and to prescribe other administrative, enforcement, promotional and penalty provisions.

Rep. Whatley, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the calendar, to-wit:

S. 549. To authorize and provide for the promotion of the production, marketing, use and sale of cotton and cotton products by research, education, advertising and other methods; to prescribe a method whereby cotton producers may act jointly with handlers, ginners, buyers, processors, the state board of agriculture and industries, and others, for a promotional program; to provide that producers may by referendum levy upon themselves assessments for financing a promotional program and for the collection, disbursements and expenditures of funds collected from assessments; to provide for the regulations, requirements and authority relative thereto; to provide for refund of assessments; to prescribe duties of the commissioner of agriculture and industries and the state board of agriculture and industries with respect to a promotional program for the cotton producers of Alabama; to provide for the administration thereof by a commission, which is fairly and substantially representative of the producers of cotton throughout the state and to regulate the establishment of such commissions; to provide for collection and distribution of assessments; to require ginners of cotton to collect assessments levied under this act; and to prescribe other administrative, enforcement, promotional and penalty provisions.

Rep. Whatley, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

S. 174. (With Amendments): To regulate the practice of soil classification; to provide for the registration of qualified persons as professional soil classifiers; to designate a state board of registration of soil classifiers; to provide for the appointment and compensation of its members; to fix the terms of the members of the board and to define the powers and duties of the board; to provide the minimum qualifications and other requirements for registration; to establish fees with expiration and renewal requirements; to provide that certain persons shall be exempt from the provisions of this Act; and to provide for the enforcement of this Act and prescribe criminal penalties for its violations.

Rep. Whatley, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 453. To prescribe certain rules and regulations to be implemented by the state department of agriculture and industries for the purpose of controlling the spread of equine infectious anemia in the horse population of this state and to prescribe penalty for violations of such rules and regulations.

Rep. Willis, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 822. (With Substitute) (With Amendments): To amend Sections 9-11-59 and 9-11-267 of the Code of Alabama 1975, relating to the trapping of fur-bearing animals, so as to increase the residential trapper license fee; to exempt certain persons from license requirements; to provide further for identifying certain traps; to require the filing and keeping of certain reports and records by dealers; to require trappers to display their licenses to dealers; and to limit the type of pelts a dealer may purchase.

Rep. Willis, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 800. (With Amendment): To establish the Keep Alabama Beautiful Act of 1981, to provide legislative purpose and intent; to provide for definitions, penalties, enforcement, collection of fines, notice to the public, litter receptacles, litter removal, litter assessment; to provide for the distribution of funds, to provide for a youth litter patrol program, for the administration of anti-litter and recycling programs and campaigns, to provide for an effective date, severability and the repeal of conflicting acts.

Rep. Venable, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 784. (With Amendment): To amend Code of Ala. 1975, Section 17-16-15, which section relates to Assessments and other qualifications for candidates for nomination, so as to have assessments not to exceed two percent of one years salary as presently stipulated but without the present \$600 maximum.

Rep. Edwards, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 787. (With Substitute): To confer the power to grant franchises upon the County Commissions of the several counties in this state in relation to the operation of community antenna television facilities; to empower

the said County Commissions to set up reasonable rules and regulations governing the exercise of rights granted by the said franchises; to authorize and empower the said County Commissions to levy a license tax and fix the amount of said tax on the business performed under said franchise.

Rep. Edwards, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 788. To amend Section 35-2-54 of the Code of Alabama 1975, which section is entitled, "Vacation of streets or alleys by abutting landowners," so that the governing body of a municipality wherein a street or alley is located, or the governing body of a county if such street or alley is located outside the city limits of a municipality, may require payment to such municipality or county of the fair value of the land to be vacated prior to granting assent to the vacation and may require other conditions in the public interest including without limitation the continuing existence in such land or a right-of-way or easement for existing public utility installations and sanitary or storm sewers.

S. 151. To amend § 41-4-156, Code of Alabama, 1975, to add the municipal clerks of incorporated municipalities to the list of persons receiving acts of the Legislature.

S. 180. To authorize and make provision for any county or any department, board, bureau, commission or agency of any county, whether incorporated or not, or any county public corporation incorporated with the approval of, or more than one of the directors of which are elected or appointed by the governing body of any county, to apply for, accept and receive, expend or apply the proceeds of, to agree to comply with the conditions of, or to loan, advance or donate to another public body, or to any person, firm or corporation, any gift, grant, appropriation, donation or advance, by or from the United States of America, the State of Alabama or any other public or private donor; to empower and authorize each county and each such county public corporation to anticipate the receipt of the proceeds of any such grant, gift, appropriation, donation or advance, by loan or assignment, and as evidence of such loan or assignment to issue its bonds, warrants, notes or certificates of indebtedness, which may be either general obligations or special or limited obligations, to provide for the source of payment and security for such obligations; to provide that such obligations shall be legal investments for public bodies, bankers, insurers and fiduciaries and others; to exempt such obligations from taxation; to provide that an issuer of securities shall be free from state supervision and control and from the provisions of Chapter 8, Title 11, CODE OF ALABAMA 1975; and to authorize counties and such county public corporations to pledge and grant security interests in the proceeds of gifts, grants, appropriations, donations or advances, as security for bonds, warrants, notes, or certificates of indebtedness issued by such county or such county public corporation under authority of laws other than this act.

S. 181. To authorize and make provision for any municipality or any department, board, bureau, commission or agency of any municipality, whether incorporated or not, or any municipal public corporation incorporated with the approval of, or more than one of the directors of which are elected or appointed by the governing body of any municipality, to apply for, accept and receive, expend or apply the proceeds of, to agree to comply with

the conditions of, or to loan, advance or donate to, another public body, or to any person, firm or corporation, any gift, grant, appropriation, donation or advance, by or from the United States of America, the State of Alabama or any other public or private donor; to empower and authorize each municipality, and each such municipal public corporation to anticipate the receipt of the proceeds of any such grant, gift, appropriation, donation or advance, by loan or assignment, and as evidence of such loan or assignment to issue its bonds, warrants, notes or certificates of indebtedness, which may be either general obligations or special or limited obligations; to provide for the source of payment and security for such obligations; to provide that such obligations shall be legal investments for public bodies, bankers, insurers and fiduciaries and others; to exempt such obligations from taxation; and to authorize municipalities and such municipal public corporations to pledge and grant security interests in the proceeds of gifts, grants, appropriations, donations or advances, as security for bonds, warrants, notes, or certificates of indebtedness issued by such municipality, such agency or such municipal public corporation under authority of laws other than this act.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 894. Relating to Blount County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the compensation of such official, and repealing conflicting laws.

H. 899. Relating to Chilton County; to provide for and require the reidentification of registered voters; to provide a penalty for willfully making a false statement in connection with reidentification; and to repeal Act No. 126, Special Session 1962, and all other laws or parts of laws in conflict herewith.

H. 900. To provide for the composition of the Marion County Commission relating to the redivision of the representation districts for Marion County; to employ a county engineer and to provide for a road unit system; and to provide a referendum election on the provisions of this Act.

H. 920. Amending Section 6 of Act No. 573. S. 391, 1976 Regular Session (Acts 1976, p. 780), relating to the revenue commissioner of Cullman County, so as to provide further for the compensation and the retirement of such official.

H. 921. Relating to Cullman County; to provide for an additional expense allowance for election officials of said county.

H. 922. Relating to Cullman County; to approve and validate the amount of certain expenditures paid to the circuit clerk.

H. 927. Relating to taxation in Cullman County; levying an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1 through 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and repealing a sales tax heretofore levied and collected by the City of Cullman.

H. 933. Relating to Shelby County; to levy and collect special county privilege license and excise taxes paralleling the state sales and use taxes provided for in Chapter 23 of Title 40, Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the state revenue department; providing for the distribution and use of the proceeds including the pledging of such proceeds to the payment of obligations; and providing penalties for violations of this act.

S. 508. Relating to Lee County; providing for an additional allowance for election officials who work at polling places.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2 reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 743. To provide further for the compensation of certain election officers and workers in counties which have a population in excess of 500,000, according to the most recent federal decennial census, and to repeal all conflicting statutes.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Bennett and Seibels:

H. R. 248. EXPRESSING SUPPORT FOR FORMER FBI OFFICIALS.

H. R. 248. EXPRESSING SUPPORT FOR FORMER FBI Officials.

WHEREAS, During the early 1970s a group of radical terrorists who embraced the overthrow of the United States government known as the Weathermen claimed responsibility for a series of explosions in public buildings protesting American foreign policy, and

WHEREAS, Over 50 such bombings credited to the Weathermen rocked public facilities including the U.S. Capitol, the Pentagon, the State Department and a number of university buildings from California to Massachusetts killing two persons and causing numerous injuries and millions of dollars in property damage, and

WHEREAS, For their efforts to infiltrate the underground organization, W. Mark Felt and Edward S. Miller, the Federal Bureau of Investigation's former number 2 and 3 men, were charged four years later with ordering illegal searches of the homes of known Weathermen associates, and

WHEREAS, At the time of the investigations in 1972 and 1973, FBI policy authorized such searches, and

WHEREAS, The Justice Department charges against Felt and Miller were not brought until after new rules were adopted in 1976 and 1980 requiring prior approval of the Attorney General and later the President, and

WHEREAS, Both Felt and Miller were found guilty of conspiracy on November 6, 1980 which case is now on appeal, and

WHEREAS, The FBI has had authority to conduct national security investigations since Franklin Roosevelt directed the agency to find Nazi spies in 1939, and

WHEREAS, While Felt and Miller were charged, the man who authorized them to order such searches, former FBI Director Patrick Gray, has been cleared; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That it finds the expo facto treatment of Felt and Miller by the Justice Department contrary to recognized judicial procedure and not in the best interest of justice, and

BE IT FURTHER RESOLVED that President Reagan is hereby requested to take whatever steps are deemed necessary to clear the names of the two former FBI officials including a possible presidential pardon.

On motion of Rep. Bennett, the rules were suspended and the resolution, H. R. 248, was adopted.

Also:

By Rep. Patton:

H. R. 249. STATING THE HOUSE OF REPRESENTATIVES POSITION ON THE IMPROVEMENT OF STATE CORRECTIONAL FACILITIES.

WHEREAS The Alabama House of Representative recognizes that crime and delinquency has become the number one concern of the citizens of Alabama, and

WHEREAS this governing body has responded to this concern by passing many laws which call for stiffer penalties and swifter justice for both adult and juvenile offenders, and

WHEREAS We recognize that our jails and detention centers are overcrowded and that our local governments are under a financial strain by housing state and juvenile offenders, and

WHEREAS Both adult and juvenile correctional facilities are inadequate and over-crowded, and

WHEREAS, The new oil and gas lease monies give us an opportunity to respond to our citizens by improving our correctional facilities and getting both the juvenile and adult offender off the streets,

NOW THEREFORE BE IT RESOLVED, That the Alabama House of Representatives hereby declares its first priorities for Capital outlay to be the expansion and improvement of the State adult and juvenile correctional facilities.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Patton offered the motion to suspend the rules and adopt the resolution, H. R. 249.

DIVISION OF THE QUESTION

Rep. Biddle called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Patton to suspend the rules in order to take up for immediate consideration the resolution, H. R. 249, and the motion was lost.

Yeas 7; Nays 35.

Yeas:

Reps.: Bedsole, Bowling, Carter, Johnson (Roy), McMillan, Roberts and Trammell.

—7

Nays:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Biddle, Boles, Brakefield, Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Gafford, Grouby, Harper (O), Holley, Johnson (R. G.), Kennedy, Laird, McKee, Manley, Naramore, Olive, Parker, Payne, Rains, Smith (C), Stewart, Turner, Venable, Waggoner, Warren and Zoghby.

—35

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The resolution, H. R. 249, was read and referred to the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Biddle, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolutions and ordered same returned to the House with a favorable report:

S. J. R. 129. COMMENDING MRS. DARLENE F. PATTON, PROMINENT ONEONTA PHARMACIST AND CIVIC LEADER.

On motion of Rep. Biddle, the resolution, S. J. R. 129, was adopted.

Also:

H. J. R. 232. EXPRESSING SUPPORT FOR FORMER FBI OFFICIALS.

On motion of Rep. Biddle, the resolution, H. J. R. 232, was adopted.

Also:

H. J. R. 194. DESIGNATING THAT PORTION OF ALABAMA HIGHWAY 9, BETWEEN ITS JUNCTION WITH U.S. 231 AT WETUMPKA IN ELMORE COUNTY TO ITS JUNCTION WITH U.S. 280 AT SOCAPATTOY IN COOSA COUNTY, AS THE "OLD CENTRAL PLANK ROAD."

On motion of Rep. Biddle, the resolution, H. J. R. 194, was adopted.

RESOLUTIONS

The following resolution was introduced:

By Rules Committee:

H. R. 250. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special, paramount and continuing order of business April 16, 1981, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

By Rep. Owens:

H. 630 p. 128 General Fund Budget

By Rep. Gregg:

H. 806 p. 121 Referendum

By Rep. Payne:

H. 406 p. 61 Hand guns

By Rep. Johnson (R. G.):

H. 732 p. 90 Health care facilities, rates

By Rep. Johnson (R. G.):

H. 802 p. 95 Hospitals, confidentiality

By Rep. Holley:

H. 6 p. 8 Capitol Complex

By Rep. Amari:

H. 160 p. 99 State agencies, liability

By Rep. Cates:

H. 781 p. 121 Bonds, interest rates

By Rep. Clark (G):

H. 380 p. 57 Statewide local privilege or excise tax

By Rep. Hammett:

H. 2 p. 105 Educational TV, merit system

By Rep. Minus:

H. 786 p. 107 Divorce, allowances

By Rep. Hall:

H. 111 p. 94 Casting lights from motor vehicles

By Rep. Harper (T):

H. 411 p. 55 Commercial oyster licenses

By Rep. Harper (T):

H. 624. p 116 Saltwater gill and trammel net fees

By Rep. Penry:

H. 637 p. 114 Commercial crab catcher's license

By Rep. Penry:

H. 638 p. 115 Single seafood business licenses

By Rep. Cosby:

H. 758 p. 100 Aircraft, sales tax exemption

By Rep. Hammett:

H. 3 p. 7 Motor Carrier Act

By Rep. Parker:

H. 646 p. 67 Barbers Board

By Mr. Vacca:

S. 144 p. 119 Zoning ordinances

By Rep. Smith (J):

H. 369 p. 15 County governing bodies

By Rep. Cates:

H. 321 p. 22 Bank reserves

By Rep. Ford:

H. 57 p. 10 National Guard

By Rep. Letson:

H. 63 p. 4 Commercial fertilizer

By Rep. Letson:

H. 65 p. 4 Public warehouses, fees

By Rep. Sandusky:

H. 419 p. 120 Highway Dept. markers and signs

By Rep. Sandusky:

H. 442 p. 120 Highway Dept. commercial activity

By Rep. Mitchell:

H. 734 p. 91 Funeral Services Board

By Rep. Blake:

H. 210 p. 5 Wire fish baskets

By Rep. Adams (H):

H. 487 p. 31 Exempt chert pits, surface mining

By Rep. Zoghby:

H. 347 p. 18 Hearing dogs

By Rep. McKee:

H. 652 p. 98 State merit system

By Rep. Gafford:

H. 763 p. 82 Privacy in divorce

By Rep. Waggoner:

H. 361 p. 47 Alabama Aviation Hall of Fame

By Rep. Dixon:

H. 192 p. 19 Controlled Substances Therapeutic Research Act

By Rep. Campbell:

H. 353 p. 25 Abandoned motor vehicles

By Rep. Willis:

H. 428 p. 33 Conservation Dept., property

By Rep. Owens:

H. 153 p. 24 Election state employees, personnel board

By Rep. McKee:

H. 125 p. 36 Commission city elections

By Rep. McKee:

H. 129 p. 37 Mayor-council city elections

By Rep. Sasser:

H. 563 p. 58 ABC Board, definitions

By Rep. Bowling:

H. 386 p. 92 Child labor

By Rep. Bowling:

H. 385 p. 59 Industrial Relations

By Rep. Drinkard:

H. 395 p. 52 Unemployment Compensation

By Rep. Mr. Smith (J):

H. 371 p. 48 Disabled veterans tags, design

On motion of Rep. Biddle, the resolution, H. R. 250, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Gilmer:

H. R. 251. MOURNING THE DEATH OF MR. SAMUAL FREDERICK OGDEN OF SULLIGENT, ALABAMA.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Sandusky:

H. 934. To provide authority for the governing body of any Class 2 municipality covered by the Employee's Retirement System of Alabama, with the consent of the Board of the Employee's Retirement System of Alabama, to provide credit for the prior service of new employees to the extent of their prior service with a public employer eligible for coverage under the Employee's Retirement System of Alabama, and to provide the procedure for this purpose.

Ways and Means.

By Reps. Sandusky, Bedsole, Stewart and Harper (T) (With Notice and Proof):

H. 935. To amend Title 16, Section 39, Subsection 7 of the Code of Alabama, 1975, so as to require that twenty (20) percent of the teacher units now allocated for the instruction of Exceptional Children in Mobile County be reallocated for the gifted child.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 935, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Cooley:

H. 936. To allow the court in a divorce or separate maintenance action to order either parent to support his mentally or physically disabled child regardless of the child's age.

Judiciary.

By Rep. Drinkard:

H. 937. Proposing an amendment to the Constitution of 1901, relating to the state's making available lower interest rate public funds for the purpose of financing single and multi-family dwellings for low and moderate income families; providing for the repayment of such loans together with interest into the state general fund; providing for the administration of such loans and legislative authority for such lawful purpose and such governmental function, Section 93 of the Constitution of 1901 notwithstanding.

Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Rep. Drinkard:

H. 938. To appropriate \$400,000,000 out of the state general fund to the Alabama Housing Finance Authority, as created by Act No. 80-585, 1980 Regular Session (Acts 1980, p. 899), for the purpose of making available at

lower interest rates funds for the financing of single and multi-family dwelling units for low and moderate income families; to provide that any such sums loaned out, when repaid, shall be repaid with both principal and interest into the state general fund.

Ways and Means.

By Rep. Naramore (With Notice and Proof):

H. 939. Relating to Walker County; granting the county governing body certain powers and authority in regard to constructing and maintaining roads and deiveways leading to churches, and church-owned cemeteries.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 939, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Naramore (With Notice and Proof):

H. 940. To levy a finance charge or a tax of ten cents per acre to be assessed against lands located in Walker County, Alabama, which are used for timber growing purposes, to provide protection against forest fires within Walker County; and prescribing the procedure for the collection of such assessments.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 940, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Naramore (With Notice and Proof):

H. 941. TO AMEND SECTION 1 of Act No. 746 S. 532, 1975 Regular Session, approved the 6th day of October, 1975 (Acts 1975, p. 1513, as amended) fixing the fee for the issuance of a pistol permit by the Sheriff of Walker County, Alabama.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 941, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Payne, Harrison, Lewis, Amari, Bennett, Waggoner, Horn, Howard, Trammell, Seibels, Olive, Cabaniss, Escott, Nevett and Boles (With Notice and Proof):

H. 942. To exempt the Birmingham-Jefferson County Transit Authority from the duty to pay state, county, and municipal taxes.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 942, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Crow (With Notice and Proof):

H. 943. Relating to Calhoun County; amending Act No. 963, S. 1177, 1975 Regular Session (Acts 1975, p. 1996), which provides for a civil service system for the City of Oxford, so as to increase the compensation of the board members of said system.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 943, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turnham:

H. 944. To exempt the East Alabama Services for the Elderly, Inc. from all state, county and municipal sales and use taxes.

Ways and Means.

By Reps. Penry, Carothers, Johnson (R. G.), Shoemaker and Williams:

H. 945. To make supplemental appropriations from the general fund in the state treasury from fund designated for the State Board of Chiropractic Examiners.

Ways and Means.

By Reps. Ray, Grimsley, Whatley and Sasser (With Notice and Proof):

H. 946. To levy a finance charge or a tax of five cents per acre to be assessed against lands located in Barbour County, Alabama, which are used for timber growing purposes, to provide protection against forest fires within Barbour County; and prescribing the procedure for the collection of such assessments.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 946, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Ray, Grimsley, Whatley and Sasser (With Notice and Proof):

H. 947. To authorize the Barbour County Commission to provide protection against uncontrolled fires and to assist with and encourage the use of beneficial forestry practices, such as plowing fire lanes, assisting in controlled burning, etc., within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 947, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

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By Rep. Cooley:

H. 948. To amend section 25-4-72, Code of Alabama 1975, relating to the individual weekly benefit amount of unemployment compensation, so as to increase such amount in certain instances.

Ways and Means.

By Reps. Bennett and Amari:

H. 949. To make a one-time appropriation for the classroom instructional materials and equipment for each teacher employed in Alabama except ESEA teachers, Title I, Title III, Title IV and ESAA teachers for the fiscal year ending September 30, 1982.

Ways and Means.

By Rep. Cabaniss (With Notice and Proof):

H. 950. To further amend Section 7 of Act No. 993 of the Regular Session of the Legislature of Alabama of 1971, as said section has been heretofore amended by Section 2 of Act No. 329 of the Regular Session of the Legislature of Alabama of 1973 (Ala. Acts, 1973, pp. 461 and 462), which said Act No. 993 provided for the incorporation of an authority as a public corporation for the purpose of providing public transportation service in any county of the State having a population of not less than 600,000 according to the last or any subsequent federal decennial census.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 950, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Cabaniss (With Notice and Proof):

H. 951. To confer upon the County Commission of Jefferson County the power to levy and collect a county sales tax, or a county license tax, or to levy and collect both of said taxes, subject to the condition that any tax levied under the act shall be used solely for the purpose of providing public transportation service within the county and to the other conditions enumerated in the act.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 951, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Boles:

H. 952. To name this Act; to state the Legislature's concern for school nutrition; to define certain terms used in the Act; to establish the school breakfast program in all schools receiving funds under Title 1 of the Elementary and Secondary Education Act (PL 95-561); to set the date for the commencement of the program; to authorize and require the State Department of Education to promulgate rules and standards for implementation of the

program; to require from local school boards a plan of compliance with this Act; to require the State Department of Education to notify eligible schools of this Act; to repeal only those laws in direct conflict; and to provide for severability and an effective date.

Public Welfare.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Penry and McMillan:

H. J. R. 252. COMMENDING MR. HENRY LEGRONE FOR OUTSTANDING SERVICE IN SCOUTING.

WHEREAS, in its desire to recognize Alabamians of achievement, the Legislature today notes the extraordinary service of Mr. Henry Legrone of Silverhill, Alabama, as a registered and active Scouter since 1964; and

WHEREAS, Mr. Legrone, in dedicated and enthusiastic commitment, first served as a committeeman for Troop 42, later to become Assistant Scoutmaster, a position he continues to hold; and

WHEREAS, he has been awarded the District Award of Merit, the highest award a volunteer can receive at district level; and

WHEREAS, in 1970, Mr. Legrone, as an Assistant Scoutmaster, traveled to the National Camp Grounds at Philmont and, in 1976, accompanied 25 Boy Scouts on a one week trip to Washington, D. C.; and

WHEREAS, in further dedication to Alabama youth, Mr. Legrone has been a Little League baseball coach for a number of years; he also is a longtime member of his community's Volunteer Fire Department, and is a member of the First Baptist Church of Silverhill which he has served for the past four years on the Board of Trustees; and

WHEREAS, on February 12, 1981, in recognition of service, Mr. Henry Legrone was presented with the coveted Silver Beaver Award by the Mobile Area Council of Boy Scouts of America; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Henry Legrone of Silverhill, Baldwin County, Alabama, for outstanding service in Scouting and for his responsible involvement in community affairs.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Legrone that he may know of our sincere praise and high regard.

On motion of Rep. Penry, the rules were suspended and the resolution, H. J. R. 252, was adopted.

Also:

By Rep. Dial:

H. J. R. 253. COMMENDING FORMER PROBATE JUDGE J. B. TOLAND AND CLAY COUNTY COMMISSIONERS JORDAN, DENNY, CATCHINGS AND BROOKS.

WHEREAS, Cragford Bridge in Clay County, Alabama, was completed in 1976, at a cost of \$940,000, during the tenures of Probate Judge J. B. Toland and Clay County Commissioners Sterl Jordan, Norwood Denny, Otho Catchings and Horace Brooks; and

WHEREAS, replacing an existing bridge in a dangerous state of disrepair, the Cragford Bridge, upon completion, provided residents of the county with much needed and safe access within the area; and

WHEREAS, Judge Toland and the commissioners then in office are indeed to be commended for their leadership in the completion of Cragford Bridge; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Probate Judge J. B. Toland and the Clay County Commissioners who were in office in 1976: Sterl Jordan, Norwood Denny, Otho Catchings and Horace Brooks.

BE IT FURTHER RESOLVED, That the governing body of Clay County cause to be erected and maintained at the Cragford Bridge site a plaque which will advise that said bridge project was completed during the tenures of the above named individuals.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Judge Toland and to Commissioners Jordan, Denny, Catchings and Brooks that they may be aware of the Legislature's desire that they be recognized for their leadership and achievement.

The Resolution, H. J. R. 253, was read and referred to the Standing on Rules.

Also:

By Rep. Carothers:

H. J. R. 254. CREATING A CONTINUING SELECT JOINT NUCLEAR ENERGY ACTIVITIES AND HAZARDOUS CHEMICAL TOXIC WASTE OVERSIGHT COMMITTEE.

WHEREAS, there are four nuclear reactors operating in the state at present; two nuclear reactors are scheduled to begin commercial operation in 1981; one nuclear reactor is scheduled to begin commercial operation in 1982; and two nuclear reactors located on the Alabama/Mississippi line are scheduled to begin commercial operation in 1985 and 1986; and

WHEREAS, a nuclear fuel fabricating plant which will make Uranium pellets for fuel from Uranium Hexafluoride is scheduled to begin commercial operation in 1983 in Prattville; and

WHEREAS, pursuant to legislation passed by the Congress requiring each state to take responsibility for disposing of its low-level radioactive waste, Alabama has joined eight other Southeastern states in a tentative agreement to form a compact to handle disposal of low-level radioactive waste; and

WHEREAS, the largest Nuclear Medicine facility in the United States is located at the University of Alabama Hospital in Birmingham; and

WHEREAS, there are many problems which were brought to the attention of the Committee during the last interim concerning hazardous chemical toxic waste; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a continuing Select Joint Nuclear Energy Activities and Hazardous Chemical Toxic Waste Oversight Committee.

BE IT FURTHER RESOLVED, That said Committee is to be composed of eleven (11) members: Chairman of the House Health Committee and Chairman of the Senate Health and Welfare Committee; five (5) members of the House Health Committee appointed by the Chairman and four (4) members of the Senate Health and Welfare Committee appointed by the Chairman. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall oversee all facets of nuclear energy activities and hazardous waste with particular emphasis focused on low-level radioactive waste and hazardous chemical toxic waste disposal.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the Legislature not later than the fifth legislative day of the 1982 Regular Session and each regular session thereafter.

Each member of the committee shall be entitled to his/her regular legislative compensation, his/her per diem and travel expenses for each day he/she attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature; provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session but they shall receive their travel expenses when travelling upon the business of the committee and the total expenses of the committee shall not exceed seven thousand dollars (\$7,000.00) per year.

On motion of Rep. Carothers, the rules were suspended and the resolution, H. J. R. 254, was adopted.

Also:

By Rep. Carothers:

H. J. R. 255. APPROPRIATING FUNDS TO THE CONTINUING SELECT JOINT COMMITTEE TO STUDY THE RISING COST TO THE STATE OF THE MEDICAID PROGRAMS ESTABLISHED BY ACT NO. 79-816 OF THE 1979 REGULAR SESSION OF THE LEGISLATURE.

WHEREAS, funding will be needed to continue the duties and functions of the continuing select joint committee to study the rising cost to the state of the medicaid programs; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby appropriated out of funds appropriated to the use of the legislature, \$7,000.00 to the continuing select joint committee to study the rising cost to the state of the medicaid programs established by Act. No. 79-816 of the 1979 Regular Session of the Legislature.

On motion of Rep. Carothers, the rules were suspended and the resolution, H. J. R. 255, was adopted.

Also:

By Rep. Turner:

H. R. 256. RECLASSIFICATION OF STATE EMPLOYEES.

WHEREAS, to stop the effort of classification of adjustment that would cost the state to implement approximately \$6,000,000. We now have the lowest overhead in the nation as far as the Personnel Department is concerned; and

WHEREAS, the effort now exists for costs cut in the middle and low income state employees and gives sizeable raises to already high-paid employees and in many cases, over-paid employees. After the new classification adjustment in employment, two people that now have the highest classification in the Personnel Department, would now be able to retire with a considerable increase in their pension at the expense of the middle and lower classifications; now therefore,

BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That this be a request for any rebuttal from the chief implementers of this effort to reclassify state employees. And further request an investigation by the Ethics Commission of the top administrative employees in the Personnel Department who are pushing for this effort for the purpose of increasing their pension upon retirement.

BE IT FURTHER RESOLVED THAT A COPY OF THIS RESOLUTION BE SENT: to the Ethics Commission and the Personnel Department.

The resolution, H. R. 256, was read and referred to the Standing Committee on Rules.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill:

H. 873. Relating to Lamar County; to establish a special fund in the county treasury to pay a bounty on beaver trapped or killed in Lamar County; to provide for the administration of said fund and bounty system.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 35; Nays 1.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Cheatwood, Cobb, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Hall, Harper (O), Harvey, Laird, Lewis, McMillan, Minus, Moore, Olive, Parker, Payne, Rains, Ray, Sandusky, Shavers, Smith (C), Turner, Turnham and Venable.

—35

Nay: Rep. Willis.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 883. Relating to Marion County; to authorize the County Board of Education to meet the last week in June and to set the salary of the Superintendent of Education.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Albright, Barton, Bedsole, Bennett, Biddle, Carter, Cheatwood, Cobb, Crow, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Hall, Harper (O), Harvey, Laird, Lewis, McMillan, Minus, Moore, Olive, Parker, Payne, Penry, Rains, Ray, Roberts, Shavers, Smith (C), Stewart, Turnham, Venable, Waggoner, Warren, Williams and Willis.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 885. To amend Section 1 of Act No. 2376, H. 228, 1971 Regular Session (Acts 1971, p. 3805), relating to pistol permit fees in Marion County so as to provide further for the amount and disposition of such fees.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Albright, Barton, Bedsole, Bennett, Biddle, Blake, Carter, Cheatwood, Cobb, Crow, Edwards, Ford, Gafford, Goodwin, Greer, Grimsley, Harper (O), Harvey, Holmes, Horn, Johnson (R. G.), Laird, McMillan, Minus, Moore, Olive, Parker, Payne, Penry, Rains, Ray, Reed, Roberts, Shavers, Smith (C), Stewart, Turnham, Venable, Waggoner, Warren, Williams and Willis.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 896. Relating to Geneva County; providing further for the compensation of the coroner and repealing Act No. 56, H. 96, 1959 Regular Session (Acts 1959, p. 223).

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Barton, Bedsole, Bennett, Biddle, Blake, Carothers, Carter, Cheatwood, Cobb, Crow, Daniels, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Harper (O), Harvey, Horn, Johnson (R. G.), Laird, Lewis, McMillan, Manley, Minus, Moore, Olive, Parker, Penry, Rains, Ray, Roberts, Shavers, Shoemaker, Smith (C), Stewart, Turner, Turnham, Venable, Waggoner, Williams, Willis and Wyatt.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 897. Relating to Geneva County; amending Act No. 75, H. 44, 1967 Regular Session, (Acts 1967, p. 107), so as to increase the fee for issuance of pistol permits.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Barton, Bedsole, Bennett, Biddle, Carothers, Carter, Cheatwood, Cobb, Cosby, Crow, Daniels, Edwards, Gafford, Gilmer, Goodwin, Greer, Grouby, Harper (O), Johnson (R. G.), Kennedy, Laird, Lewis, McKee, McMillan, Minus, Moore, Olive, Parker, Pegues, Penry, Rains, Ray, Roberts, Shavers, Smith (C), Stewart, Turnham, Venable, Waggoner, Williams and Willis.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 901. Relating to Baldwin County; directing and requiring Baldwin County Commission to provide for the holding of an advisory election relative

to the levying of an additional sales tax to be distributed to the County Board of Education of the said County and used for certain specified public school purposes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 36; Nays 0.

Yeas:

Mr. Speaker, Barton, Bedsole, Bennett, Biddle, Carter, Cheatwood, Cobb, Cosby, Crow, Daniels, Edwards, Gafford, Goodwin, Greer, Harper (O), Holmes, Johnson (R. G.), Kennedy, Laird, McMillan, Minus, Moore, Olive, Parker, Pegues, Penry, Rains, Roberts, Shavers, Smith (C), Stewart, Turnham, Venable, Williams and Willis.

—36

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 483. To authorize the Wilcox County Commission to levy an additional privilege or license tax on persons, firms and corporations, selling, distributing or delivering wine to retailers in Wilcox County; providing for the assessment, collection and distribution of the proceeds of the tax; authorizing the adoption and promulgation of rules and regulations therefor by the county commission of said county; defining violations of the act and prescribing penalties therefor.

Was read a third time at length and passed.

Yeas 35; Nays 1.

Yeas:

Mr. Speaker, Adams (H), Barton, Bedsole, Bennett, Biddle, Carter, Cheatwood, Clark (G), Cosby, Crow, Edwards, Gafford, Goodwin, Greer, Grimsley, Grouby, Harper (O), Harvey, Holley, Johnson (R. G.), Manley, Minus, Moore, Olive, Pegues, Ray Roberts, Shavers, Smith (C), Stewart, Turnham, Waggoner, Williams and Willis.

—35

Nay: Rep. Rains.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 506. To exempt the Chattahoochee Valley Hospital Society from the payment of all county and municipal sales and use taxes.

Was read a third time at length and passed.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Carter, Cheatwood, Clark (G), Cosby, Crow, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Harper (O), Harvey, Johnson (R. G.), Laird, McMillan, Manley, Minus, Moore, Olive, Payne, Pegues, Penry, Rains, Ray, Roberts, Sandusky, Smith (C), Stewart, Turnham, Venable, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 507. Relating to Chambers County; providing for an additional allowance for election officials who work at polling places.

Was read a third time at length and passed.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Carter, Cheatwood, Cobb, Cosby, Crow, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Harper (O), Harvey, Johnson (R. G.), Laird, McMillan, Minus, Moore, Olive, Parker, Payne, Pegues, Penry, Rains, Ray, Shoemaker, Smith (C), Stewart, Turnham, Venable, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 547. Relating to Randolph County; providing for an additional allowance for election officials who work at polling places.

Was read a third time at length and passed.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Barton, Bedsole, Bennett, Biddle, Carter, Cheatwood, Cobb, Cosby, Crow, Edwards, Gafford, Gilmer, Goodwin, Grimsley, Grouby,

Harper (O), Johnson (R. G.), Laird, McKee, McMillan, Manley, Minus, Moore, Olive, Parker, Payne, Pegues, Penry, Rains, Ray, Roberts, Smith (C), Stewart, Turnham, Venable, Waggoner, Ward, Whatley, Williams, Willis and Zoghby.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 630. (With Substitute) (With Amendments): To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1982.

Was taken up.

SUBSTITUTE OFFERED

Rep. Owens offered the following substitute to the bill, H. 630 with pending substitute and amendments, reported by the Standing Committee on Ways and Means, said substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1982.

Be It Enacted by the Legislature of Alabama:

SECTION 1. The monies in Section 2 are appropriated from the named funds for the 1981-82 fiscal year to the state agency indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this Act, the amounts herein for expenditures are listed by programmatic area and the total for all programs are shown by the source of funds. It is intended that only the named funds be appropriated to the agency concerned; and that the following definitions shall be applicable:

(a) "Appropriation Total" shall mean the aggregate total of all fund sources.

(b) "Program" shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting the needs of an identified clientele, or group of recipients or beneficiaries.

(c) "Capital Outlay" shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purposes.

(d) "Debt Service" shall mean an expenditure for the payment of interest and principal on all bonded debt obligations of the State, and shall be expended only for such purposes.

(e) "Retirement" shall mean employees' retirement unless otherwise specified.

SECTION 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial departments of the State, for other functions of government, for the principal and interest on the public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1982, to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor, except as provided in the Budget Management Act of 1976, Act No. 494, 1976 Regular Session. Provided, however, that if at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State Employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

A. LEGISLATIVE:

1. Examiners of Public Accounts,
Department of:

(a) Legislative Support-Audit Services Program	2,900,300
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SOURCE OF FUNDS:

(1) State General Fund	2,440,950
(2) State General Fund-Retirement	244,700
(3) State General Fund-Social Security	159,650
(4) State General Fund-Health Insurance	55,000

Total Department of Examiners of Public Accounts	2,900,300	2,900,300
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2. Legislative Council:

(a) Legislative Operations and Support Program	121,200
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(For Operations of the Council including out-of-state travel by Council members and members of the Legislature authorized to attend Legislative conferences by joint resolution of the Legislature.)

SOURCE OF FUNDS:

(1) State General Fund	121,200
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Total Legislative Council	121,200	121,200
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3. Legislative Fiscal Office:

(a) Legislative Operations and Support Program	370,540
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SOURCE OF FUNDS:

(1) State General Fund	315,140	
(2) State General Fund-Retirement	29,454	
(3) State General Fund-Social Security	19,238	
(4) State General Fund-Health Insurance	<u>6,708</u>	
Total Legislative Fiscal Office ...	<u>370,540</u>	<u>370,540</u>

4. Legislative Reference Service:

(a) Legislative Operations and Support Program		689,189
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The appropriation to the Legislative Reference Service shall include a transfer to the State Personnel Department of \$335.

SOURCE OF FUNDS:

(1) State General Fund	597,035	
(2) State General Fund-Retirement	48,890	
(3) State General Fund-Social Security	31,912	
(4) State General Fund-Health Insurance	<u>11,352</u>	
Total Legislative Reference Service	<u>689,189</u>	<u>689,189</u>

5. Legislators, National Conference of State:

(a) Legislative Operations and Support Program		42,088
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SOURCE OF FUNDS:

(1) State General Fund	<u>42,088</u>	
Total National Conference of State Legislators	<u>42,088</u>	<u>42,088</u>

6. Legislature:

(a) Senate Operations and Support Program		1,166,800
(b) House Operations and Support Program		1,750,193

SOURCE OF FUNDS:

(1) State General Fund	2,750,000	
(2) State General Fund-Retirement	86,815	
(3) State General Fund-Social Security	53,346	

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(4) State General Fund-Health Insurance	26,832	
Total Legislature	<u>2,916,993</u>	<u>2916,993</u>

B. JUDICIAL:

1. Court of Civil Appeals:

(a) Court Operations Program ..		659,669
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SOURCE OF FUNDS:

(1) State General Fund	547,967	
(2) State General Fund-Employees' Retirement	15,039	
(3) State General Fund-Judicial Retirement	63,580	
(4) State General Fund-Social Security	24,827	
(5) State General Fund-Health Insurance	<u>8,256</u>	
Total Court of Civil Appeals	<u>659,669</u>	<u>659,669</u>

2. Court of Criminal Appeals:

(a) Court Operations Program ..		963,283
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SOURCE OF FUNDS:

(1) State General Fund	775,302	
(2) State General Fund-Employees' Retirement	32,694	
(3) State General Fund-Judicial Retirement	105,820	
(4) State General Fund-Social Security	38,041	
(5) State General Fund-Health Insurance	<u>11,426</u>	
Total Court of Criminal Appeals .	<u>963,283</u>	<u>963,283</u>

3. Judicial Inquiry Commission:

(a) Administrative Services Program		69,604
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SOURCE OF FUNDS:

(1) State General Fund	65,858	
(2) State General Fund-Retirement	1,946	
(3) State General Fund-Social Security	1,284	
(4) State General Fund-Health Insurance	<u>516</u>	
Total Judicial Inquiry Commission	<u>69,604</u>	<u>69,604</u>

4. Judicial Retirement System:

(a) Retirement Systems Program 890,000

SOURCE OF FUNDS:

(1) State General Fund 890,000

Total Judicial Retirement System 890,000 890,000

5. Supreme Court:

(a) Court Operations Program .. 2,505,738

SOURCE OF FUNDS:

(1) State General Fund 2,084,368

(2) State General Fund-Employees' Retirement 103,244

(3) State General Fund-Judicial Retirement 194,260

(4) State General Fund-Social Security 83,127

(5) State General Fund-Health Insurance 30,739

(6) Federal, Local and Miscellaneous Funds 10,000

Total Supreme Court 2,495,738 10,000 2,505,738

6. Unified Judicial System:

(Administrative Office of Courts)

(a) Court Operations Program .. 38,239,400

(b) Administrative Services Program 3,422,712

SOURCE OF FUNDS:

(1) State General Fund 34,448,015

(2) State General Fund-Employees' Retirement 1,807,916

(3) State General Fund-Judicial Retirement 2,985,466

(4) State General Fund-Social Security 1,638,175

(5) State General Fund-Health Insurance 782,540Total Unified Judicial System ... 41,662,112 41,662,112

C. EXECUTIVE:

1. Academy of Honor, Alabama:

(a) Historical Resources Management Program 1,261

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SOURCE OF FUNDS:

(1) State General Fund as provided in Title 41, Chapter 11, Section 6, 1975 Code of Alabama	1,261	
Total Alabama Academy of Honor	<u>1,261</u>	<u>1,261</u>

2. Accountancy, Alabama State
Board of Public:

(a) Professional and Occupational Licensing and Regulation Pro- gram		135,000
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SOURCE OF FUNDS:

(1) Alabama State Board of Public Accountancy Fund	135,000	
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As provided in Title 34, Chapter 1,
Section 22, 1975 Code of Ala-
bama.

In addition to the amounts appro-
priated hereinabove to the State
Board of Public Accountancy,
there is hereby appropriated
such an amount as may be neces-
sary to pay the refund of any ap-
plication for license which may
have been rejected by the Board
or withdrawn by request of
applicant.

Total Alabama State Board of Pub- lic Accountancy	<u>135,000</u>	<u>135,000</u>
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3. Adjustment, Board of:

(a) Special Services Program		165,000
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SOURCE OF FUNDS:

(1) State General Fund for the General Fund Contribution to the total expenditure of \$350,000 pursuant to Title 41, Chapter 9, Section 73, 1975 Code of Ala- bama	15,000	
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(2) State General Fund for expen- ditures as provided in Title 31, Chapter 3 and title 36, Chapter 30, Article 1, 1975 Code of Ala- bama, Estimated	<u>150,000</u>	
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Total Board of Adjustment	<u>165,000</u>	<u>165,000</u>
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4. Aeronautics, Department of:

(a) Airport Development and Aeronautical Support Program		630,459
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The appropriation to the Department of Aeronautics shall include a transfer to the State Personnel Department of \$240.

SOURCE OF FUNDS:

(1) Airport Development Fund ..	630,459		
As provided by Title 4, Chapter 2, Section 42, 1975 Code of Alabama.			
Total Department of Aeronautics	<u>630,459</u>		<u>630,459</u>

5. Aging, Commission On:

(a) Planning and Advocacy for Elderly Program			13,047,164
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The appropriation to the Commission on Aging shall include a transfer to the State Personnel Department of \$719.

SOURCE OF FUNDS:

(1) State General Fund Transfer	751,750		
(2) Federal, Local and Miscellaneous Funds		<u>12,295,414</u>	
Total Commission on Aging	751,750	12,295,414	13,047,164

6. Agricultural Center Board:

(a) Agricultural Development Services Program			575,000
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The appropriation to the Agricultural Center Board shall include a transfer to the State Personnel Department of \$527.

SOURCE OF FUNDS:

(1) State General Fund	120,000		
For expense and awarding of prizes for fairs as provided in Title 2, Chapter 7, Article 2, 1975 Code of Alabama.			
(2) State General Fund Transfer	306,800		
(3) Livestock Coliseum Fund		<u>148,200</u>	
Total Agricultural Center Board .	<u>426,800</u>	<u>148,200</u>	<u>575,000</u>

7. Agricultural and Industrial Exhibit Commission, Alabama:

(a) Agricultural Development Services Program			31,428
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SOURCE OF FUNDS:

(1) State General Fund	<u>31,428</u>		
Total Alabama Agricultural and Industrial Exhibit Commission	<u>31,428</u>		31,428

8. Agriculture and Industries, Department of:

(a) Administrative Services Program	945,104
(b) Agricultural Inspection Services Program	9,243,030
(c) Laboratory Analysis and Disease Control Program	3,226,196
(d) Agricultural Development Services Programs	545,843

The appropriation to the Department of Agriculture and Industries shall include a transfer to the State Personnel Department of \$15,238.

SOURCE OF FUNDS:

(1) State General Fund Transfer	5,917,000
(2) Federal Local and Miscellaneous Funds	2,160,680
(3) Shipping Point Inspection Fund	3,769,000

Pursuant to Title 2, Chapter 9, Sections 20 and 21, 1975 Code of Alabama. All fees and charges collected by the Commissioner of Agriculture and Industries and deposited into said Fund, and such appropriation to the Department of Agriculture and Industries shall include all fees and charges collected and deposited therein for Shipping Point Inspection, grading and classification services for agricultural products including services furnished for weighing and issuing weight certificates to be used for the sale of agricultural commodities.

(4) Agricultural Fund	<u>2,113,493</u>	
Total Department of Agriculture Industries	<u>5,917,000</u>	<u>8,043,173</u> <u>13,960,173</u>

9. Alcoholic Beverage Control Board, Alabama:

(a) Alcoholic Beverage Management Program	24,819,247
(b) Licensing, Regulation and Enforcement Program	5,986,566

(c) Administrative Services Program	3,290,184
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The appropriation to the Alabama Alcoholic Beverage Control Board shall include a transfer to the State Personnel Department of \$55,779, and to Mental Health of \$1,000,000.

SOURCE OF FUNDS:

(1) ABC Board Fund	34,095,997
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In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by said Board provided, however, that the sum appropriated for the operation of retail stores as provided herein shall be reduced in like manner for each retail store closed or withdrawn from operation during the same period. There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality there is further appropriated, in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

Total Alabama Alcoholic Beverage Control Board	<u>34,095,997</u>	<u>34,095,997</u>
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10. Architects, Board for Registration of:

(a) Professional and Occupational Licensing and Regulation Program	82,775
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The appropriation to the Board for Registration of Architects shall include a transfer to the State Personnel Department of \$96.

SOURCE OF FUNDS:

(1) Fund of the Board for Registration of Architects, as provided in Title 34, Chapter 2, Section 23, Code of Alabama 1975	<u>82,775</u>
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Total Board for Registration of Architects		<u>82,775</u>	<u>82,775</u>
11. Archives and History:			
(a) Historical Resources Management Program			869,111
SOURCE OF FUNDS:			
(1) State General Fund	722,108		
(2) State General Fund-Retirement	66,019		
(3) State General Fund-Social Security	45,395		
(4) State General Fund-Health Insurance	23,589		
(5) Federal, Local and Miscellaneous Funds		<u>12,000</u>	
Total Archives and History	<u>857,111</u>	<u>12,000</u>	<u>869,111</u>
12. Attorney General, Office of the:			
(a) Legal Advice and Legal Services Program			3,924,090
(b) Fair Marketing Practices Program			333,429
SOURCE OF FUNDS:			
(1) State General Fund	2,998,648		
(2) State General Fund-Retirement	227,956		
(3) State General Fund-Social Security	150,771		
(4) State General Fund-Health Insurance	55,728		
(5) Transfer from Pensions and Security		310,000	
(6) Federal, Local and Miscellaneous Funds		<u>514,416</u>	
Total Office of the Attorney General	<u>3,433,103</u>	<u>824,416</u>	<u>4,257,519</u>
13. Auditor, State:			
(a) Fiscal Management Program			654,863
SOURCE OF FUNDS:			
(1) State General Fund	559,747		
(2) State General Fund-Retirement	47,620		
(3) State General Fund-Social Security	33,048		

(4) State General Fund-Health Insurance	<u>14,448</u>		
Total State Auditor	<u>654,863</u>		<u>654,863</u>
14. Banking Department, State:			
(a) Charter, License, and Regulate Financial Institutions Program			1,887,888
The appropriation to the State Banking Department shall include a transfer to the State Personnel Department of \$2,252.			
SOURCE OF FUNDS:			
(1) Banking Assessment Fees ...	1,438,120		
As provided in Title 5, Chapter 1, Section 5, 1975 Code of Alabama.			
(2) Bureau of Credit Unions	182,200		
As provided in Title 5, Chapter 2, Article 5, Divisions 1 and 2, 1975 Code of Alabama.			
(3) Loan Examination Fund	267,568		
As provided in Title 5, Chapter 18, Sections 1-24, 1975 Code of Alabama.			
Total State Banking Department	<u>1,887,888</u>		<u>1,887,888</u>
15. Bar Association, Alabama State:			
(a) Professional and Occupational Licensing and Regulation Program			641,250
SOURCE OF FUNDS:			
(1) State Bar Association Fund, as provided in Title 34, Chapter 3, 1975 Code of Alabama	<u>641,250</u>		
Total Alabama State Bar Association	<u>641,250</u>		<u>641,250</u>
16. Bear Creek Development Authority:			
(a) Water Resource Development Program			130,593
SOURCE OF FUNDS:			
(1) State General Fund	26,093		
(2) Federal, Local and Miscellaneous Funds	<u>104,500</u>		
Total Bear Creek Development Authority	<u>26,093</u>	<u>104,500</u>	<u>130,593</u>

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17. Brierfield Ironworks Park:

(a) Outdoor Recreation Sites and Services Program	94,704
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SOURCE OF FUNDS:

(1) State General Fund	25,000		
(2) Federal, Local and Miscellaneous Funds		69,704	
Total Brierfield Ironworks Park .	25,000	69,704	94,704

18. Building Commission:

(a) Special Services Program	779,954
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The appropriation to the Building Commission shall include a transfer to the State Personnel Department of \$48.

SOURCE OF FUNDS:

(1) State General Fund	131,132		
(2) State General Fund-Retirement	51,765		
(3) State General Fund-Social Security	33,216		
(4) State General Fund-Health Insurance	11,352		
(5) Federal, Local and Miscellaneous Funds		552,489	
Total Building Commission	227,465	552,489	779,954

19. Cahaba Historical Commission:

(a) Historical Resources Management Program	105,820
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SOURCE OF FUNDS:

(1) State General Fund	5,820		
(2) Federal, Local and Miscellaneous Funds		100,000	
Total Cahaba Historical Commission	5,820	100,000	105,820

20. Chiropractic Examiners, Alabama State Board of:

(a) Professional and Occupational Licensing and Regulation Program	28,000
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SOURCE OF FUNDS:

(1) Alabama State Board of Chiropractic Examiner's Fund as

provided in Title 34, Chapter 24, Article 4, Division 1, 2 and 3, 1975 Code of Alabama			<u>28,000</u>	
Total Alabama State Board of Chiropractic Examiners			<u>28,000</u>	<u>28,000</u>
21. Civil Defense, Department of:				
(a) Readiness and Recovery Pro- gram				2,658,186
The appropriation to the Depart- ment of Civil Defense shall in- clude a transfer to the State Per- sonnel Department of \$1,294.				
SOURCE OF FUNDS:				
(1) State General Fund			445,883	
(2) State General Fund-Re- tirement			21,966	
(3) State General Fund-Social Se- curity			14,501	
(4) State General Fund-Health In- surance			6,450	
(5) Federal, Local and Miscellane- ous Funds			<u>2,169,366</u>	
Total Department of Civil Defense			<u>488,800</u>	<u>2,169,386</u>
22. Coastal Area Board, Alabama:				
(a) Coastal Area Management Program				1,123,500
The appropriation to the Alabama Coastal Area Board shall include a transfer to the State Personnel Department of \$240.				
SOURCE OF FUNDS:				
(1) State General Fund			48,500	
(2) Federal, Local and Miscellane- ous Funds			<u>1,075,000</u>	
Total Alabama Coastal Area Board			<u>48,500</u>	<u>1,075,000</u>
23. Conservation and Natural Re- sources, Department of:				
(a) Game and Fish Program				10,375,900
(b) State Land Management Pro- gram				356,643
(c) Outdoor Recreation Sites and Services Program				9,127,877
(d) Administrative Services Pro- gram				2,803,709

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(e) Marine Police Program	1,512,239
(f) Marine Resources Program ..	1,302,308

The appropriation to the Department of Conservation and Natural Resources shall include a transfer to the State Personnel Department of \$24,535.

SOURCE OF FUNDS:

(1) Game and Fish Fund	10,375,900
(2) State Lands Fund	356,643

The funds hereinabove appropriated from the State Lands Fund includes funds for analyzing, cataloging and monitoring mineral reserves and the development thereof on State lands including water and offshore areas.

(3) Marine Resources Fund	1,302,308
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In addition to the monies hereinabove appropriated from the Marine Resources Fund, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island is hereby appropriated and may be expended by the Commissioner of Conservation on such Marine Resources Division Programs or projects which he deems appropriate.

(4) Marine Police Fund	1,512,239
(5) State Parks Fund	8,871,677
(6) Administrative Funds	2,803,709

The funds hereinabove appropriated shall be payable as provided in Title 9, Chapter 2, Section 1, 1975 Code of Alabama.

(7) State General Fund	<u>256,200</u>
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Total Department of Conservation and Natural Resources	<u>256,200</u>	<u>25,222,476</u>	<u>25,478,676</u>
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In addition to the above appropriation, there is hereby appropriated \$350,000 to Frank Jackson Park to be conditional upon the condition of the State General Fund and upon the approval of the Governor.

24. Contractors, State Licensing Board for General:

- (a) Professional and Occupational Licensing and Regulation Program

177,901

The appropriation to the State Licensing Board for General Contractors shall include a transfer to the State Personnel Department of \$240.

SOURCE OF FUNDS:

- (1) State Licensing Board for General Contractors Fund

177,901

Pursuant to Title 34, Chapter 8, 1975 Code of Alabama. In addition to the amounts appropriated hereinabove to the State Licensing Board for General Contractors there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant.

Total State Licensing Board for General Contractors

177,901177,901

25. Corrections, Board of:

- (a) Administrative Services and Logistical Support Program ...

3,651,592

- (b) Institutional Services Corrections Program

40,686,846

- (c) Correctional Industries Program

6,945,438

The appropriation to the Board of Corrections shall include a transfer to the State Personnel Department of \$56,785.

- (d) Reimbursement to counties for expenses related to the care and feeding of state prisoners

3,000,000

"The \$3,000,000 herein appropriated, shall be used by the Board of Corrections to partially reimburse the several counties for their expenditures for the housing and maintenance of state prisoners in county jails. Such \$3,000,000 shall be distributed

according to the following formula: "Said amount shall be disbursed to the general fund of the several counties by the state comptroller upon vouchers certified by the commissioner of the State Department of Corrections. The amounts disbursed to the several counties shall be on the basis of one dollar and fifty cents (\$1.50) per day for each state prisoner housed in the county jails from the period beginning March 1, 1977 through February 28, 1980. Should said three million dollars (\$3,000,000) be insufficient to pay the total sum based on the above ratio, then said amount shall be prorated in such a manner that the per prisoner per day monetary amount shall be the same in every county. Should said three million dollars (\$3,000,000) be in excess of the amount necessary to pay the reimbursement according to said one dollar and fifty cents (\$1.50) per prisoner per day ratio, then the surplus shall carry forward and the several counties shall be reimbursed at the rate of one dollar and fifty cents (\$1.50) per prisoner per day from March 1, 1980 until the surplus is totally expended."

SOURCE OF FUNDS:

(1) State General Fund-Transfer	49,400,000
(2) Federal, Local and Miscellaneous Funds	2,019,000
(3) Board of Corrections Fund ...	2,864,876

The Commissioner of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriate, to generate additional funds which would effectively increase the appropriations for the Board of Corrections. Any such grant funds so generated and in direct support of the Board of Corrections' operations are also hereby appropriated.

Total Board of Corrections	<u>49,400,000</u>	<u>4,883,876</u>	<u>54,283,876</u>
26. Cosmetology, Alabama Board of:			
(a) Professional and Occupational Licensing and Regulation Program			368,500
The appropriation to the Alabama Board of Cosmetology shall include a transfer to the State Personnel Department of \$431.			
SOURCE OF FUNDS:			
(1) Alabama Board of Cosmetology Fund		368,500	
As provided in Title 34, Chapter 7, 1975 Code of Alabama.			
Total Alabama Board of Cosmetology		<u>368,500</u>	<u>368,500</u>
27. Counseling, Alabama Board of Examiners in:			
(a) Professional and Occupational Licensing and Regulation Program			19,500
SOURCE OF FUNDS:			
(1) Alabama Board of Examiners in Counseling Fund		19,500	
As provided in Title 34, Chapter 8A, 1975 Code of Alabama.			
Total Alabama Board of Examiners in Counseling		<u>19,500</u>	<u>19,500</u>
28. Criminal Justice Information System, Alabama:			
(a) Criminal Justice Information Services Program			2,275,000
The appropriation to the Alabama Criminal Justice Information System shall include a transfer to the State Personnel Department of \$2,636.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	1,900,000		
(2) Transfer from Department of Public Safety		57,500	
(3) Federal, Local and Miscellaneous Funds		<u>317,500</u>	
Total Alabama Criminal Justice Information System	<u>1,900,000</u>	<u>375,000</u>	<u>2,275,000</u>

29. Dairy Commission, Alabama:

(a) Regulatory Services Program 394,000

The appropriation to the Alabama Dairy Commission shall include a transfer to the State Personnel Department of \$47.

SOURCE OF FUNDS:

(1) Alabama Dairy Commission Fund 394,000

As provided in Title 2, Chapter 13, 1975 Code of Alabama.

Total Alabama Dairy Commission 394,000 394,000

30. Development Office, Alabama:

(a) Industrial Development Program 2,559,000

(b) Administrative Services Program—Office of Minority Business 145,000

(c) Alabama Film Commission—Promotional Development Program 220,000

The appropriation to the Alabama Development Office shall include a transfer to the State Personnel Department of \$1,725.

SOURCE OF FUNDS:

(1) State General Fund-Transfer Alabama Development Office .. 2,509,000

(2) State General Fund-Transfer Office of Minority Business ... 75,000

(3) State General Fund-Alabama Film Commission 220,000

(4) Federal, Local and Miscellaneous Funds 120,000

Total Alabama Development Office 2,804,000 120,000 2,924,000

31. District Attorneys:

(a) Court Operations Program .. 6,471,610

The proposed spending plan included in the above total is as follows:

Salaries of District Attorneys 1,492,074

Salary of elected Deputy District Attorney of the Bessemer Division of the 10th Judicial Circuit 37,053

For the use of the elected Assistant District Attorney of the Bessemer Division of the 10th Judicial Circuit	58,693
Salaries and expenses of Supernumerary District Attorneys	561,168
For use in the District Attorney's Office of the 1st Judicial Circuit	72,657
For use in the District Attorney's Office of the 2nd Judicial Circuit	61,250
For use in the District Attorney's Office of the 3rd Judicial Circuit	83,766
For use in the District Attorney's Office of the 4th Judicial Circuit	275,036
For use in the District Attorney's Office of the 5th Judicial Circuit	193,723
For use in the District Attorney's Office of the 6th Judicial Circuit	166,951
For use in the District Attorney's Office of the 7th Judicial Circuit	96,248
For use in the District Attorney's Office of the 8th Judicial Circuit	90,842
For use in the District Attorney's Office of the 9th Judicial Circuit	92,064
For use in the District Attorney's Office of the 10th Judicial Circuit	310,881
For use in the District Attorney's Office of the 11th Judicial Circuit	74,897
For use in the District Attorney's Office of the 12th Judicial Circuit	133,255
For use in the District Attorney's Office of the 13th Judicial Circuit	221,442
For use in the District Attorney's Office of the 14th Judicial Circuit	74,511

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For use in the District Attorney's Office of the 15th Judicial Circuit	287,086
For use in the District Attorney's Office of the 16th Judicial Circuit	102,246
For use in the District Attorney's Office of the 17th Judicial Circuit	52,850
For use in the District Attorney's Office of the 18th Judicial Circuit	135,238
For use in the District Attorney's Office of the 19th Judicial Circuit	63,296
For use in the District Attorney's Office of the 20th Judicial Circuit	128,729
For use in the District Attorney's Office of the 21st Judicial Circuit	78,549
For use in the District Attorney's Office of the 22nd Judicial Circuit	68,846
For use in the District Attorney's Office of the 23rd Judicial Circuit	217,250
For use in the District Attorney's Office of the 24th Judicial Circuit	78,422
For use in the District Attorney's Office of the 25th Judicial Circuit	51,564
For use in the District Attorney's Office of the 26th Judicial Circuit	131,616
For use in the District Attorney's Office of the 27th Judicial Circuit	101,716
For use in the District Attorney's Office of the 28th Judicial Circuit	59,301
For use in the District Attorney's Office of the 29th Judicial Circuit	104,833
For use in the District Attorney's Office of the 30th Judicial Circuit	97,126

For use in the District Attorney's Office of the 31st Judicial Circuit	76,361
For use in the District Attorney's Office of the 32nd Judicial Circuit	76,779
For use in the District Attorney's Office of the 33rd Judicial Circuit	51,091
For use in the District Attorney's Office of the 34th Judicial Circuit	39,048
For use in the District Attorney's Office of the 35th Judicial Circuit	51,443
For use in the District Attorney's Office of the 36th Judicial Circuit	62,095
For use in the District Attorney's Office of the 37th Judicial Circuit	85,236
For use in the District Attorney's Office of the 38th Judicial Circuit	91,354
For use in the District Attorney's Office of the 39th Judicial Circuit	33,024
Appropriations of Salaries of Per- sonnel Established by Statute are estimated.	
Travel Expense of District Attor- neys	50,000
	<u>6,471,610</u>

SOURCE OF FUNDS:

(1) State General Fund	5,802,345	
(2) State General Fund-Re- tirement	86,828	
(3) State General Fund-Social Se- curity	390,485	
(4) State General Fund-Health In- surance	<u>191,952</u>	
Total District Attorneys	<u>6,471,610</u>	<u>6,471,610</u>
32. Employment and Training, Of- fice of:		
(a) Skills Enhancement and Em- ployment Opportunities Pro- gram		2,671,157

SOURCE OF FUNDS:

(1) Federal, Local and Miscellaneous Funds	2,671,157	
Total Office of Employment and Training	2,671,157	2,671,157

33. Energy, Department of:

(a) Energy Management Program		6,326,814
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The appropriation to the Department of Energy shall include a transfer to the State Personnel Department of \$767.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	514,500		
(2) Federal, Local and Miscellaneous Funds		5,812,314	
Total Department of Energy	514,500	5,812,314	6,326,814

34. Engineers and Land Surveyors, State Board of Registration for Professional:

(a) Professional and Occupational Licensing and Regulation Program		273,494
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The appropriation to the State Board of Registration to the State Board of Registration for Professional Engineers and Land Surveyors shall include a transfer to the State Personnel Department of \$240.

SOURCE OF FUNDS:

(1) Professional Engineers' Fund	273,494	
As provided in Title 34, Chapter 11, 1975 Code of Alabama as amended and Act No. 1049, 1975 Regular Session.		
Total State Board of Registration for Professional Engineers and Land Surveyors	273,494	273,494

35. Ethics Commission, Alabama:

(a) Regulation of Public Officials and Employees Program		203,340
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SOURCE OF FUNDS:

(1) State General Fund	175,000
(2) State General Fund-Retirement	14,490

(3) State General Fund-Social Security	9,722		
(4) State General Fund-Health Insurance	<u>4,128</u>		
Total Alabama Ethics Commission	<u>203,340</u>		<u>203,340</u>
36. Farmers' Market Authority:			
(a) Agricultural Development Services Program			152,540
SOURCE OF FUNDS:			
(1) State General Fund-Transfer for Administration	72,540		
(2) Farmers' Market Authority Fund-Revenue and Capital Outlay Account		<u>80,000</u>	
Total Farmers' Market Authority	<u>72,540</u>	<u>80,000</u>	<u>152,540</u>
37. Finance, Department of:			
(a) Fiscal Management Program			2,526,719
(This includes \$50,000 for Management Improvement Corporation of America and \$100,000 for Social Security collections.)			
(b) Administrative Support Services Program			3,617,881
SOURCE OF FUNDS:			
(1) State General Fund	5,397,982		
(2) State General Fund-Retirement	390,801		
(3) State General Fund-Social Security	233,295		
(4) State General Fund-Health Insurance	<u>122,522</u>		
Total Department of Finance	<u>6,144,600</u>		<u>6,144,600</u>
38. Finance, Department of-Air Transportation Division:			
(a) Administrative Support Services Program			1,657,541
SOURCE OF FUNDS:			
(1) State General Fund	1,600,000		
(2) Departmental Receipts		<u>57,541</u>	
Total Department of Finance-Air Transportation Division	<u>1,600,000</u>	<u>57,541</u>	<u>1,657,541</u>
39. Forensic Sciences, Department of:			

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(a) Forensic Science Services Program 3,514,009

The appropriation to the Alabama Department of Forensic Sciences shall include a transfer to the State Personnel Department of \$3,306.

SOURCE OF FUNDS:

(1) State General Fund	2,453,227		
(2) State General Fund-Retirement	181,954		
(3) State General Fund-Social Security	108,605		
(4) State General Fund-Health Insurance	40,764		
(5) State General Fund-Transfer-Capital Outlay	679,000		
(6) Federal, Local and Miscellaneous Funds		<u>50,459</u>	
Total Department of Forensic Sciences	<u>3,463,550</u>	<u>50,459</u>	<u>3,514,009</u>

40. Foresters, Alabama State Board of Registration for:

(a) Professional and Occupational Licensing and Regulation Program 17,900

SOURCE OF FUNDS:

(1) Professional Foresters' Fund .	17,900		
As provided in Title 34, Chapter 12, 1975 Code of Alabama.			
Total Alabama State Board of Registration for Foresters		<u>17,900</u>	<u>17,900</u>

41. Forestry Commission, Alabama:

(a) Forest Resource Protection Program	8,111,729
(b) Forest Resource Management and Development Program	1,926,381
(c) Forestry Education Program .	263,437
(d) Administrative Services Program	1,379,411

The appropriation to the Alabama Forestry Commission shall include a transfer to the State Personnel Department of \$19,743.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	6,401,930		
(2) State General Fund Transfer—Emergency Forest Fire Fund—Act 79-830	180,000		
(3) State General Fund-Forestry Steering Committee	5,000		
(4) Federal and Local Funds		2,175,000	
(5) Forestry Commission Fund ..		2,919,028	

It is provided that in the event receipts into the Forestry Commission Funds relating to federal grants, county appropriations, seedling price increases, contributions, and inter-department transfers exceed amounts originally appropriated for these sources of funds such excess receipts is hereby appropriated.

Of the above appropriations \$100,000 shall be used for rural and community fire protection.

Total Alabama Forestry Commission	<u>6,586,930</u>	<u>5,094,028</u>	<u>11,680,958</u>
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42. Fort Morgan Commission:

(a) Historical Resources Management Program			275,386
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SOURCE OF FUNDS:

(1) State General Fund	95,930		
(2) State General Fund-Retirement	6,843		
(3) State General Fund-Social Security	4,517		
(4) State General Fund-Health Insurance	3,096		
(5) Federal, Local and Miscellaneous Funds		<u>165,000</u>	
Total Fort Morgan Commission ..	<u>110,386</u>	<u>165,000</u>	<u>275,386</u>

43. Funeral Service, Alabama Board of:

(a) Professional and Occupational Licensing and Regulation Program			84,000
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SOURCE OF FUNDS:

(1) Alabama Funeral Directors and Embalmers Fund		84,000	
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As provided in Title 34, Chapter 13,
1975 Code of Alabama.

Total Alabama Board of Funeral Services	84,000	84,000
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44. Geological Survey:

(a) Discovery and Development of Mineral, Energy and Water Re- sources, Geologic Research and Topographic Mapping Program		2,072,239
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The appropriation to the Geological
Survey shall include a transfer to
the State Personnel Department
of \$2,923.

SOURCE OF FUNDS:

(1) State General Fund	1,006,186		
(2) State General Fund-Re- tirement	74,543		
(3) State General Fund-Social Se- curity	48,550		
(4) State General Fund-Health In- surance	16,291		
(5) Federal, Local and Miscellane- ous Funds		926,669	
Total Geological Survey	1,145,570	926,669	2,072,239

45. Gorgas Memorial Board:

(a) Historical Resources Manage- ment Program	10,700
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SOURCE OF FUNDS:

(1) State General Fund	9,700		
As provided in Title 41, Chapter 9, Section 220, 1975 Code of Ala- bama and an additional amount.			
(2) Federal, Local and Miscellane- ous Funds		1,000	
Total Gorgas Memorial Board ...	9,700	1,000	10,700

46. Governor's Office:

(a) Executive Direction Program	1,193,100
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SOURCE OF FUNDS:

(1) State General Fund	1,056,995
(2) State General Fund-Re- tirement	84,109
(3) State General Fund-Social Se- curity	50,295

(4) State General Fund-Health Insurance	<u>1,701</u>	
Total Governor's Office	<u>1,193,100</u>	<u>1,193,100</u>
47. Governor's Contingency Fund:		
(a) Executive Direction Program		242,500
SOURCE OF FUNDS:		
(1) State General Fund	<u>242,500</u>	
Total Governor's Contingency Fund	<u>242,500</u>	<u>242,500</u>
48. Governor's Mansion and Coastal Mansion:		
(a) Executive Direction Program		194,000
SOURCE OF FUNDS:		
(1) State General Fund	178,609	
(2) State General Fund-Retirement	9,084	
(3) State General Fund-Social Security	5,963	
(4) State General Fund-Health Insurance	<u>344</u>	
Total Governor's Mansion and Coastal Mansion	<u>194,000</u>	<u>194,000</u>
49. Healing Arts, State Licensing Board for the:		
(a) Professional and Occupational Licensing and Regulation Program		147,000
The appropriation to the State Licensing Board for the Healing Arts shall include a transfer to the State Personnel Department of \$96.		
SOURCE OF FUNDS:		
(1) State Licensing Board for the Healing Arts Fund		147,000
As provided in Title 34, Chapter 24, Article 1, 1975 Code of Alabama.		
Total State Licensing Board for the Healing Arts	<u>147,000</u>	<u>147,000</u>
50. Health, Department of Public:		
(a) Administrative Services Program		4,154,077
(b) Health Support Services Program		39,271,000

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(c) Personal Health Improvement Program	38,241,000
(d) Environmental Health Improvement Program	6,629,000
(e) Special Services Program	2,480,000
(f) Health Planning, Development and Regulation Program	2,028,000

The appropriation to the Department of Public Health shall include a transfer to the State Personnel Department of \$95,361.

SOURCE OF FUNDS:

(1) State General Fund	15,814,870		
(2) State General Fund-Retirement	1,422,080		
(3) State General Fund-Social Security	938,879		
(4) State General Fund-Health Insurance	448,171		
(5) Cigarette Tax-1¢		1,256,514	
As provided in Title 40, Chapter 25, Sections 2 and 23, 1975 Code of Alabama.			
(6) Cigarette Tax-2¢		2,143,915	
As provided in Title 40, Chapter 25, Sections 2 and 23, 1975 Code of Alabama.			
(7) Vital Statistics Fund		972,698	
(8) Hospital Licensing Fund		183,000	
(9) Emergency Medical Services Fund		30,000	
As provided in Title 22, Chapter 18, Sections 1 through 7, 1975 Code of Alabama			
(10) Local Health Departments .		26,459,037	
(11) Air Pollution Fines		30,000	
(12) Miscellaneous Funds		3,793,441	
(13) Federal Funds		39,310,472	
Total Department of Public Health	<u>18,624,000</u>	<u>74,179,077</u>	<u>92,803,077</u>
51. Health Planning and Development Agency, State:			
(a) Health Planning, Development and Regulation Program			945,957
The appropriation to State Health Planning and Development			

Agency shall include a transfer to the State Personnel Department of \$1,198.

SOURCE OF FUNDS:

(1) State General Fund	253,170		
(2) Federal, Local and Miscellaneous Funds		<u>692,787</u>	
Total State Health Planning and Development Agency	<u>253,170</u>	<u>692,787</u>	<u>945,957</u>

52. Hearing Aid Dealers, Alabama Board of:

(a) Professional and Occupational Licensing and Regulation Program			19,371
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SOURCE OF FUNDS:

(1) State Board of Health-Hearing Aid Fund		19,371	
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As provided in Title 34, Chapter 14, Articles 1 and 2, 1975 Code of Alabama.

Total Alabama Board of Hearing Aid Dealers		<u>19,371</u>	<u>19,371</u>
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53. Highway Department:

(a) Central Administration Program		6,888,930	
(b) Division and District Supervision-State Program		12,220,992	
(c) Operations and Support Services Program		5,475,948	
(d) Maintenance Program		61,892,068	
(e) Non-Programmatic Expenditures		44,845,125	

Proposed Spending Plan for the above (e) includes the following:

Debt Service	39,605,125
Equipment-Automotive	5,000,000
Equipment-Other than Automotive	240,000

(f) Construction-Federal Aid Program		233,024,942	
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Proposed Spending Plan for the above (f) includes the following:

Federal Aid Matching	36,528,015
Non-Participating Work on Federal Aid Projects	1,000,000

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Advance Construction	
Bonds	15,970,897
Federal Aid	179,526,030
(g) Construction-State Program .	8,104,116
(h) Operations-Land and Build- ings	1,087,800
(i) Addition to the Operations Re- volving Fund	1,000,000

For the purpose of purchasing in-
ventories for transfer to all
Highway Department programs,
operating manufacturing pro-
cesses, and the payment of de-
ferred employee benefits.

The appropriation to the Highway
Department shall include a
transfer to the State Personnel
Department of \$178,071.

SOURCE OF FUNDS:

(1) State General Fund	75,000
(2) Public Road and Bridge Fund	178,967,994
(3) Federal Aid	179,526,030
(4) Bond Proceeds	15,970,897

There is hereby appropriated, for payment of the principal of and the interest on all bonds heretofore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, Alabama Federal Aid Highway Finance Authority, or Alabama Highway Finance Corporation, a total of \$39,605,125 or so much as may be necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment.

The Highway Director with the consent of the Governor and the Budget Office shall have the authority to transfer any appropriation or any portion thereof between and among subsections, (a), (b), (c), (d), (e), (f), (g), (h), (i) of this section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available. In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable: In the event of such insufficiency in respect of the said revenues accruing to the State Highway Department:

(1) the appropriations made for Debt Service in section (e) hereof shall be paid in full—

(2) the appropriations from the revenues accruing to the State Highway Department that are herein made for the purpose referred to in Sections (a), (b), (c), (d), (e), (f), (g), (h), (i) except for Debt Service, hereof shall be allocated among the purposes referred to in said Sections in such order and with such priorities as the State Highway Director shall from time to time direct.

The funds appropriated in section (f) hereof, for the matching Federal funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purpose for which such appropriation was made.

In addition to all appropriations hereinabove made there is hereby appropriated to the State Highway Department all Federal Funds accruing thereto to be expended only for the purpose for which such funds are made available. Not later than ninety (90) days following the end of each fiscal year for which appropriations are made herein, the State Highway Director shall transmit to the Governor, Lieutenant Governor, and each member of the Legislature, a report stating the portions of each appropriation made herein that have been spent in each county in the State during the fiscal year then ended.

Total Highway Department	75,000	374,464,921	374,539,921
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54. Highway and Traffic Safety,
Office of:

(a) Traffic Control and Accident Prevention Program			5,080,766
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The appropriation to the Office of Highway and Traffic Safety shall include a transfer to the State Personnel Department of \$431.

SOURCE OF FUNDS:

(1) State General Fund — Trans- fer	81,092		
(2) Federal Funds		4,999,674	
Total Office of Highway and Traffic Safety	81,092	4,999,674	5,080,766

55. Historic Chattahoochee Com-
mission:

(a) Historical Resources Manage- ment Program			112,550
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SOURCE OF FUNDS:

(1) State General Fund — Trans- fer	71,100		
(2) Federal, Local and Miscellane- ous Funds		41,450	
Total Historic Chattahoochee Commission	71,100	41,450	112,550

56. Historical Commission, Ala-
bama:

(a) Historical Resources Manage- ment Program			1,648,066
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The appropriation to the Alabama Historical Commission shall include a transfer to the State Personnel Department of \$863.

SOURCE OF FUNDS:

(1) State General Fund — Transfer	366,750		
(2) Federal, Local and Miscellaneous Funds		<u>1,281,316</u>	
Total Alabama Historical Commission	<u>366,750</u>	<u>1,281,316</u>	<u>1,648,066</u>

57. Industrial Relations, Department of:

(a) Skills Enhancement and Employment Opportunities Program			88,438,421
(b) Unemployment Compensation Program			80,794,117
(c) Administrative Services Program			7,702,068
(d) Industrial Safety and Accident Prevention Program			5,367,812
(e) Employment and Social Opportunities Program			315,422

The appropriation to the Department of Industrial Relations shall include a transfer to the State Personnel Department of \$70,059.

SOURCE OF FUNDS:

(1) State General Fund	671,671		
(2) State General Fund — Retirement	58,565		
(3) State General Fund — Social Security	38,663		
(4) State General Fund — Health Insurance	17,286		
(5) Federal, Local and Miscellaneous Funds		<u>181,831,655</u>	
Total Department of Industrial Relations	<u>786,185</u>	<u>181,831,655</u>	<u>182,617,840</u>

58. Insurance Board, State Employees':

(a) Administrative Support Services Program			78,182
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SOURCE OF FUNDS:

(1) State General Fund	69,950		
(2) State General Fund — Retirement	4,026		

(3) State General Fund — Social Security	2,658	
(4) State General Fund — Health Insurance	<u>1,548</u>	
Total State Employees' Insurance Board	<u>78,182</u>	<u>78,182</u>

59. Insurance, Department of:

(a) Regulatory Services Program		2,158,736
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The appropriation to the Department of Insurance shall include a transfer to the State Personnel Department of \$2,636.

SOURCE OF FUNDS:

(1) State General Fund	954,491	
(2) State General Fund — Retirement	81,382	
(3) State General Fund — Social Security	53,825	
(4) State General Fund — Health Insurance	22,188	
(5) Examination Revolving Fund as provided in Title 27, Chapter 2, Section 25, 1975 Code of Alabama		915,412
(6) Fire Marshals' Fund		131,438

As provided in Title 24, Chapter 5, Article 1, 1975 Code of Alabama. Any balance in excess of \$50,000 at the end of the fiscal year shall be transferred to the State General Fund.

Total Department of Insurance ..	<u>1,111,886</u>	<u>1,046,850</u>	<u>2,158,736</u>
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60. Labor, Department of:

(a) Regulatory Services Program		275,754
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SOURCE OF FUNDS:

(1) State General Fund	204,644	
(2) State General Fund — Retirement	17,310	
(3) State General Fund — Social Security	13,124	
(4) State General Fund — Health Insurance	5,676	
(5) Federal, Local and Miscellaneous Funds		<u>35,000</u>

Total Department of Labor	<u>240,754</u>	<u>35,000</u>	<u>275,754</u>
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61. LaGrange Historical Site —
Alabama Historical Commis-
sion:

(a) Historical Resources Manage-
ment Program 2,076

SOURCE OF FUNDS:

(1) State General Fund 2,076

As provided in Title 41 Chapter 9,
Section 270, 1975 Code of Ala-
bama.

Total LaGrange Historical Site —
Alabama Historical Commission 2,076

62. Landscape Architects, Board of
Examiners of:

(a) Professional and Occupational
Licensing and Regulation Pro-
gram 5,175

SOURCE OF FUNDS:

(1) Landscape Architects Fund .. 5,175

As provided in Title 34, Chapter 17,
1975 Code of Alabama.

Total Board of Examiners of Land-
scape Architects 5,175

63. Law Enforcement Planning
Agency, Alabama:

(a) Law Enforcement Planning
and Development Program 4,180,264

The appropriation to the Alabama
Law Enforcement Planning
Agency shall include a transfer
to the State Personnel Depart-
ment of \$2,252.

SOURCE OF FUNDS:

(1) State General Fund — Trans-
fer for Matching Federal Funds 415,264

(2) Federal, Local and Miscellane-
ous Funds 3,765,000

Total Alabama Law Enforcement
Planning Agency 415,264 3,765,000 4,180,264

64. Liquefied Petroleum Gas
Board:

(a) Regulatory Services Program 180,000

The appropriation to the Liquefied
Petroleum Gas Board shall in-
clude a transfer to the State Per-
sonnel Department of \$192.

SOURCE OF FUNDS:

(1) L. P. Gas Board Fund	<u>180,000</u>	
Total Liquefied Petroleum Gas Board	<u>180,000</u>	<u>180,000</u>

65. Medicaid Agency:

(a) Medical Assistance through Medicaid Program		342,532,000
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The appropriation to the Medicaid Agency shall include a transfer to the State Personnel Department of \$9,440.

SOURCE OF FUNDS:

(1) State General Fund — Transfer	78,400,000		
(2) Transfer from Pensions and Security		847,000	
(3) Transfer from Mental Health		5,216,000	
(4) Federal, Local and Miscellaneous Funds		<u>258,069,000</u>	
Total Medicaid Agency	<u>78,400,000</u>	<u>264,132,000</u>	<u>342,532,000</u>

66. Mental Health, Department of:

(a) Institutional Treatment and Care — Mental Illness Program		56,380,870	
(b) Institutional Treatment and Care — Mental Retardation Program		50,960,786	
(c) Institutional Treatment and Care — Criminally Insane Program		200,000	
(d) Non-Institutional Treatment and Care Program		28,970,487	
(Of this amount, \$11,937,656 shall be used for Community Programs.)			
(e) Administrative Services Program		3,119,841	

The appropriation to the Department of Mental Health shall include a transfer to the State Personnel Department of \$265,093.

SOURCE OF FUNDS:

(1) Special Mental Health Fund .	88,874,164
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For Operations and Maintenance of the State Mental Health Department including the purchase

of drugs to medically indigent
mental patients not hospitalized
at time of receiving drugs at the
Alabama State Hospitals.

(2) Special Mental Health Fund — Community Programs	11,937,656	
(3) Transfer from ABC Profits ..	1,000,000	
(4) Cigarette Tax — 1¢	961,000	
(5) Cigarette Tax — 2¢	5,023,000	
(6) Federal, Local and Miscellane- ous Funds	<u>31,836,164</u>	
Total Department of Mental Health	<u>139,631,984</u>	<u>139,631,984</u>

67. Military Department:

(a) Military Operations Program	4,104,989
(b) Capital Outlay	923,491

SOURCE OF FUNDS:

(1) State General Fund — Opera- tions	1,031,921	
(2) State General Fund — Retire- ment	77,091	
(3) State General Fund — Social Security	24,768	
(4) State General Fund — Health Insurance	52,351	
(5) State General Fund — Quar- terly Allowances Headquarters — Regular Allowance Units to be used solely for operating ex- penses; provided, that no more than \$4,500 shall be allotted in any fiscal year for the Headquar- ters Alabama National Guard .	853,861	
(6) State General Fund — Trans- fer — Capital Outlay for Ar- chitect and Engineering Services and specifications and construc- tion of facilities	923,491	
(7) State General Fund — Active Military Service	114,320	
(8) State General Fund — Trans- fer to Armory Commission	1,940,677	
(9) State General Fund — Drop- ping Allowance	<u>10,000</u>	
Total Military Department	<u>5,028,480</u>	<u>5,028,480</u>

68. Armory Commission of Alabama:

(a) Military Operations Program 2,837,639

SOURCE OF FUNDS:

(1) Transfer from Military Department 1,940,677

(2) Federal, Local and Miscellaneous Funds 896,962

The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance, and construction of facilities. Provided, however, that the last Federal Government service contract reimbursement shall not revert to the State General Fund. Any surplus remaining in the Armory Commission Fund at the end of the fiscal year in excess of \$50,000 shall be transferred to the State General Fund.

Total Armory Commission of Alabama	2,837,639	2,837,639
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69. Nursing Home Administrators, Board of Examiners of:

(a) Professional and Occupational Licensing and Regulation Program 30,000

SOURCE OF FUNDS:

(1) Board of Examiners of Nursing Home Administrators Fund ... 30,000

As provided in Title 34, Chapter 20, 1975 Code of Alabama.

Total Board of Examiners of Nursing Home Administrators	30,000	30,000
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70. Oil and Gas Board:

(a) Management and Regulation of Oil and Gas Exploration and Development Program 943,810

SOURCE OF FUNDS:

(1) State General Fund 807,241

(2) State General Fund — Retirement 69,777

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(3) State General Fund — Social Security	47,110		
(4) State General Fund — Health Insurance	<u>19,682</u>		
Total Oil and Gas Board	<u>943,810</u>		<u>943,810</u>

71. Pardons and Paroles, Board of:

(a) Administration of Pardons and Paroles Program			5,241,885
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The appropriation to the Board of Pardons and Parole shall include a transfer to the State Personnel Department of \$8,769.

SOURCE OF FUNDS:

(1) State General Fund	3,250,800		
(2) State General Fund — Retirement	333,227		
(3) State General Fund — Social Security	217,933		
(4) State General Fund — Health Insurance	98,040		
(5) Probationers Upkeep Fund ..		1,244,276	
(6) Federal, Local and Miscellaneous Funds		<u>97,609</u>	
Total Board of Pardons and Paroles	<u>3,900,000</u>	<u>1,341,885</u>	<u>5,241,885</u>

72. Peace Officers' Annuity and Benefit Fund, Alabama:

(a) Retirement System Program ..			181,109
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SOURCE OF FUNDS:

(1) Peace Officers' Annuity and Benefit Fund as provided in Title 36, Chapter 21, Article 4, 1975 Code of Alabama		<u>181,109</u>	
Total Alabama Peace Officers' Annuity and Benefit Fund		<u>181,109</u>	<u>181,109</u>

73. Pensions:

- (a) Social Services Program — For Confederate Veterans and their widows: Such an amount as may be necessary to pay all the pensions allowed to Confederate soldiers and sailors and their widows.

SOURCE OF FUNDS:

- (1) Proceeds from the levy of the one mill tax as provided by Title

40, Chapter 8, Section 361, 1975
Code of Alabama.

74. Pensions and Security:

(a) Financial Assistance Program	108,561,536
(b) Social Services Program	80,972,524
(c) Food Assistance Program	26,925,581
(d) Child Support Enforcement Program	7,467,312

The appropriation to Pensions and Security shall include a transfer to the State Personnel Department of \$197,239.

Of the above appropriations, foster parents shall receive \$150 monthly for the care of children under the regular foster care program in lieu of the \$135 now allocated, and \$200 monthly for specialized foster care in lieu of the \$185 now allocated.

SOURCE OF FUNDS:

(1) State General Fund	7,200,000		
(2) Federal, Local and Miscellaneous Funds		144,121,000	
(3) ABC Profits		2,200,971	
(4) Whiskey Tax		20,893,900	
(5) Beer Tax		8,318,948	
(6) Pension Residue		8,100,000	
(7) Sales Tax		1,322,000	
(8) Franchise Tax		9,500,000	
(9) Contracts, Service Fees		337,684	
(10) Child Support Collections . .		2,007,600	
(11) Sales Tax for Food Stamps .		13,322,750	
(12) Cigarette Tax		4,800,000	
(13) Contractor's Gross Receipts Tax		1,800,000	
(14) Pension Fund		2,100	
Total Pensions and Security	<u>7,200,000</u>	<u>216,726,953</u>	<u>223,926,953</u>

75. Personnel Department, State:

(a) Administrative Support Program	1,534,072
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SOURCE OF FUNDS:

(1) State General Fund — Transfer	103,284
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(2) Federal, Local and Miscellaneous Funds	259,000
(3) Transfer from Department of Aeronautics	240
(4) Transfer from Commission on Aging	719
(5) Transfer from Agriculture and Industries	15,238
(6) Transfer from Agricultural Center Board	527
(7) Transfer from Alcoholic Beverage Control Board	55,779
(8) Transfer from Board of Registration of Architects	96
(9) Transfer from State Banking Department	2,252
(10) Transfer from Finance — Alabama Building Authority ..	575
(11) Transfer from Finance — Alabama Building Finance Authority	479
(12) Transfer from Building Commission	48
(13) Transfer from Civil Defense Department	1,294
(14) Transfer from Coastal Area Board	240
(15) Transfer from Conservation Department	24,535
(16) Transfer from State Licensing Board for General Contractors .	240
(17) Transfer from Board of Corrections	56,785
(18) Transfer from Board of Cosmetology	431
(19) Transfer from Criminal Justice Information Center	2,636
(20) Transfer from Alabama Dairy Commission	479
(21) Transfer from Alabama Development Office	1,725
(22) Transfer from State Docks ..	4,696
(23) Transfer from Education ...	63,494
(24) Transfer from Education Study Comm.	48
(25) Transfer from Department of Energy	767

(26) Transfer from Board of Registration for Professional Engineers and Land Surveyors . . .	240
(27) Transfer from Firefighters Personnel Standards and Education Commission	240
(28) Transfer from Department of Forensic Sciences	3,306
(29) Transfer from Forestry Commission	19,743
(30) Transfer from Geological Survey	2,923
(31) Transfer from State Licensing Board for the Healing Arts	96
(32) Transfer from Health Department	95,361
(33) Transfer from State Health Planning and Development . . .	1,198
(34) Transfer from Highway Department	178,071
(35) Transfer from Highway and Traffic Safety	431
(36) Transfer from Alabama Historical Commission	863
(37) Transfer from Industrial Relations	70,059
(38) Transfer from Insurance Department	2,636
(39) Transfer from Law Enforcement Planning Agency	2,252
(40) Transfer from Legislative Reference Service	335
(41) Transfer from Liquefied Petroleum Gas Board	192
(42) Transfer from Medicaid Agency	9,440
(43) Transfer from Department of Mental Health	265,093
(44) Transfer from Board of Nursing	527
(45) Transfer from Pardons and Paroles Board	8,769
(46) Transfer from Peace Officers Standards and Training Commission	96
(47) Transfer from Pensions and Security	197,239

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(48) Transfer from Physical Fitness Commission	240		
(49) Transfer from Board of Physical Therapy	48		
(50) Transfer from Office of State Planning and Federal Programs	2,492		
(51) Transfer from Public Library Service	2,779		
(52) Transfer from Public Service Commission	4,073		
(53) Transfer from Publicity and Information	2,061		
(54) Transfer from Real Estate Commission	863		
(55) Transfer from Retirement Systems	3,977		
(56) Transfer from Department of Revenue	43,463		
(57) Transfer from Board of Social Work Examiners	48		
(58) Transfer from Surface Mining Reclamation Commission	1,629		
(59) Transfer from Department of Youth Services	17,682		
Total State Personnel Department	<u>103,284</u>	<u>1,430,788</u>	<u>1,534,072</u>

76. Physical Therapy, Board of:

(a) Professional and Occupational Licensing and Regulation Program	21,536		
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The appropriation to the Board of Physical Therapy shall include a transfer to the State Personnel Department of \$48.

SOURCE OF FUNDS:

(1) Physical Therapist Fund	21,536		
As provided in Title 34, Chapter 24, Article 5, 1975 Code of Alabama.			
Total Board of Physical Therapy .	21,536		21,536

77. Planning and Federal Programs, Office of State:

(a) State Planning Program	7,944,910		
(b) Special Services Program	1,488,933		

The appropriation to the Office of State Planning and Federal Programs shall include a transfer to the State Personnel Department of \$2,492.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	2,138,680		
(2) Federal, Local and Miscellaneous Funds		<u>7,295,163</u>	
Total Office of State Planning and Federal Programs	<u>2,138,680</u>	<u>7,295,163</u>	<u>9,433,843</u>

78. Prosecution Services, Office of:

(a) Prosecution, Training, Education and Management Program			179,499
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SOURCE OF FUNDS:

(1) Office of Prosecution Services Fund		<u>179,499</u>	
Total Office of Prosecution Services		<u>179,499</u>	<u>179,499</u>

79. Psychology, Alabama Board of Examiners in:

(a) Professional and Occupational Licensing and Regulation Program			20,300
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SOURCE OF FUNDS:

(1) Board of Examiners of Psychology Fund		20,300	
As provided in Title 34, Chapter 26, 1975 Code of Alabama.			
Total Alabama Board of Examiners in Psychology		<u>20,300</u>	<u>20,300</u>

80. Public Safety, Department of:

(a) Traffic Control and Accident Prevention Program			16,726,253
(b) Criminal Investigation Program			3,483,418
(c) Driver's Licensing and Improvement Program			6,700,227
(d) Public Safety Support Services Program			7,508,933
(e) Administrative Services Program			1,742,130
(f) Alabama Criminal Justice Training Center Program			1,233,039

SOURCE OF FUNDS:

(1) State General Fund	31,888,000		
(2) State General Fund-Retirement	4,372,988		
(3) State General Fund-Social Security	475,456		

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(4) State General Fund-Health Insurance	<u>657,556</u>	
Total Department of Public Safety	<u>37,394,000</u>	<u>37,394,000</u>

81. Public Service Commission:

(a) Administrative Services Program		466,650
(b) Regulatory Services Program		4,033,350

The appropriation to the Public Service Commission shall include a transfer to the State Personnel Department of \$4,073.

SOURCE OF FUNDS:

(1) Public Service Commission Fund	4,500,000
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The above appropriations to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utilities and transportation companies and such parts or percentage of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission Fund at the end of the fiscal year in excess of \$800,000 shall be transferred to the State General Fund.

Total Public Service Commission	<u>4,500,000</u>	<u>4,500,000</u>
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82. Publicity and Information, Bureau of:

(a) Tourism and Travel Promotion Program		2,327,920
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The appropriation to the Bureau of Publicity and Information shall include a transfer to the State Personnel Department of \$2,061.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	242,500	
(2) Lodgings Tax (1¢)		2,085,420

Receipts collected under the provisions of Title 40, Chapter 26, 1975 Code of Alabama.

Total Bureau of Publicity and Information	<u>242,500</u>	<u>2,085,420</u>	<u>2,327,920</u>
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83. Real Estate Commission, Alabama:

- | | |
|--|---------|
| (a) Professional and Occupational
Licensing and Regulation Pro-
gram | 649,410 |
|--|---------|

The appropriation to the Alabama Real Estate Commission shall include a transfer to the State Personnel Department of \$863.

SOURCE OF FUNDS:

- | | | |
|--|---------|---------|
| (1) Alabama Real Estate Commis-
sion Fund—as provided in Title
34, Chapter 27, 1975 Code of
Alabama, as amended and the
total expenditures shall in no
manner exceed the amounts
hereby appropriated | 649,410 | |
| Total Alabama Real Estate Com-
mission | 649,410 | 649,410 |

84. Revenue Department:

- | | |
|---|------------|
| (a) State Revenue Administration
Program | 23,282,225 |
|---|------------|

The appropriation to the Revenue Department shall include a transfer to the State Personnel Department of \$43,463.

SOURCE OF FUNDS:

- | | |
|---|-----------|
| (1) State General Fund—as pro-
vided in Title 40, Chapter 7, Arti-
cle 2, Division 1, 1975 Code of
Alabama, to maintain a program
for the equalization of ad valorem
tax assessments | 250,000 |
| (2) Transfer from the gross pro-
ceeds of Cigarette Tax Collec-
tions, Title 40, Chapter 25, Sec-
tion 2 and 23, 1975 Code of Ala-
bama | 295,290 |
| (3) Transfer from the gross pro-
ceeds of Financial Institution
Excise Tax Collections | 259,997 |
| (4) Transfer from the gross pro-
ceeds of the Forest Severance Tax
Collections | 195,605 |
| (5) Transfer from the gross pro-
ceeds of Gasoline Tax Collections | 1,831,729 |
| (6) Transfer from the Income Tax
Collections | 5,102,655 |

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(7) Transfer from the gross proceeds of Motor Fuel Tax Collections	1,057,896
(8) Transfer from the gross proceeds of Motor Vehicle License Collections	895,780
(9) Transfer from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax	273,490
(10) Transfer from the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax	675,798
(11) Transfer from the gross proceeds of Sales Tax Collections ..	7,115,921
(12) Transfer from the gross proceeds of the Tobacco Tax Collections	1,460,597
(13) Transfer from the gross proceeds of Use Tax Collections ..	697,598
(14) Transfer from the gross proceeds of the Utility Tax Collections—as provided in Title 40, Chapter 21, 1975 Code of Alabama	455,817
(15) Local Funds	2,713,989

The amounts hereinabove appropriated for the cost of maintenance and operations of the Department of Revenue are in lieu of any other statutory provisions for the payment of the cost of operating said Department or collections of the taxes as authorized by law.

Provided, however, in addition to the amount hereinabove appropriated, there is hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses.

Total Revenue Department	250,000	23,032,225	23,282,225
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85. Revenue—Auto Title and Antitheft:

(a) State Revenue Administration Program			954,480
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	<u>954,480</u>	
Total Revenue—Auto Title and Antitheft	<u>954,480</u>	<u>954,480</u>

86. Revenue—Boards of Equalization:

(a) State Revenue Administration Program		132,890
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SOURCE OF FUNDS:

(1) State General Fund	<u>132,890</u>	
Total Revenue—Boards of Equalization	<u>132,890</u>	<u>132,890</u>

87. Revenue—Motor Vehicle License:

(a) State Revenue Administration Program		1,918,050
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SOURCE OF FUNDS:

(1) Transfer from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags .	<u>1,918,050</u>	
Total Revenue—Motor Vehicle License	<u>1,918,050</u>	<u>1,918,050</u>

88. Richmond P. Hobson Memorial Board:

(a) Historical Resources Management Program		146,440
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SOURCE OF FUNDS:

(1) State General Fund—as provided in Title 41, Chapter 9, Section 221, 1975 Code of Alabama, and an additional amount	7,052	
(2) Federal, Local and Miscellaneous Funds	<u>139,388</u>	
Total Richmond P. Hobson Memorial Board	<u>7,052</u>	<u>139,388</u>
		<u>146,440</u>

89. Rural Health Affairs, Office of:

(a) Health, Planning, Development and Regulation Program		242,859
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SOURCE OF FUNDS:

(1) Federal, Local and Miscellaneous Funds	<u>242,859</u>	
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Total Office of Rural Health Affairs	242,859	242,859
90. Secretary of State:		
(a) Administrative Support Services Program		485,000
SOURCE OF FUNDS:		
(1) State General Fund	419,768	
(2) State General Fund-Retirement	31,833	
(3) State General Fund-Social Security	21,015	
(4) State General Fund-Health Insurance	12,384	
Total Secretary of State	485,000	485,000
91. Securities Commission:		
(a) Regulatory Services Program		638,228
SOURCE OF FUNDS:		
(1) State General Fund	406,859	
(2) State General Fund-Retirement	42,828	
(3) State General Fund-Social Security	27,626	
(4) State General Fund-Health Insurance	8,172	
(5) Federal, Local and Miscellaneous Funds	132,743	
(6) Sales of Checks License Fund	8,000	
(7) Exemption Fund	12,000	
Total Securities Commission	458,485	638,228
92. Social Work Examiners, Alabama State Board of:		
(a) Professional and Occupational Licensing and Regulation Program		60,000
The appropriation to the Alabama State Board of Social Work Examiners shall include a transfer to the State Personnel Department of \$48.		
SOURCE OF FUNDS:		
(1) Alabama State Board of Social Work Examiners Fund—as provided in Title 34, Chapter 30, 1975 Code of Alabama	60,000	

Total Alabama State Board of Social Work Examiners		<u>60,000</u>	<u>60,000</u>
93. Soil and Water Conservation Committee, Alabama State:			
(a) Water Resource Development Program			677,564
SOURCE OF FUNDS:			
(1) State General Fund	615,094		
(2) Federal, Local and Miscellaneous Funds		43,764	
(3) State General Fund-Retirement	9,735		
(4) State General Fund-Social Security	6,391		
(5) State General Fund-Health Insurance	<u>2,580</u>		
Total Alabama State Soil and Water Conservation Committee	<u>633,800</u>	<u>43,764</u>	<u>677,564</u>
94. Southern Growth Policies Board:			
(a) Special Services Program			24,541
SOURCE OF FUNDS:			
(1) State General Fund	<u>24,541</u>		
Total Southern Growth Policies Board	<u>24,541</u>		<u>24,541</u>
95. Speech Pathology and Audiology, Alabama Board of Examiners for:			
(a) Professional and Occupational Licensing and Regulation Program			16,000
SOURCE OF FUNDS:			
(1) Alabama Board of Examiners for Speech Pathology and Audiology Fund—as provided in Title 34, Chapter 28A, 1975 Code of Alabama		<u>16,000</u>	
Total Alabama Board of Examiners for Speech Pathology and Audiology		<u>16,000</u>	<u>16,000</u>
96. Surface Mining Reclamation Commission:			
(a) Industrial Safety and Accident Prevention Program			2,493,165

The appropriation to the Surface Mining Reclamation Commission shall include a transfer to the State Personnel Department of \$1,629.

SOURCE OF FUNDS:

(1) Surface Mining Reclamation Commission Fund — as provided by Title 9, Chapter 16, Article 2, 1975 Code of Alabama. All fees and charges, grants, gifts, fines, bond forfeitures or other monies received under the above act, in addition to the appropriation herein made, are appropriated to the Surface Mining Reclamation Commission	2,493,165	
Total Surface Mining Reclamation Commission	2,493,165	2,493,165

97. Tannehill Historical State Park:

(a) Historical Resources Management Program	575,000
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SOURCE OF FUNDS:

(1) State General Fund	200,000	
(2) Federal, Local and Miscellaneous Funds	375,000	
Total Tannehill Historical State Park	200,000	375,000
		575,000

98. Tennessee-Tombigbee Waterway Development Authority:

(a) Water Resource Development Program	505,473
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SOURCE OF FUNDS:

(1) State General Fund	160,050	
As provided in Title 33, Chapter 8, 1975 Code of Alabama as amended.		
(2) Federal, Local and Miscellaneous Funds	345,423	
Total Tennessee-Tombigbee Waterway Development Authority	160,050	345,423
		505,473

99. Treasurer, State:

(a) Fiscal Management Program	1,086,400
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SOURCE OF FUNDS:

(1) State General Fund	963,248	
(2) State General Fund-Retirement	60,194	
(3) State General Fund-Social Security	39,738	
(4) State General Fund-Health Insurance	<u>23,220</u>	
Total State Treasurer	<u>1,086,400</u>	<u>1,086,400</u>

100. Uniform State Laws, Commission on:

(a) Special Services Program		4,147
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SOURCE OF FUNDS:

(1) State General Fund	4,147	
As provided in Title 41, Chapter 9, Article 12, 1975 Code of Alabama.		
Total Commission on Uniform State Laws	<u>4,147</u>	<u>4,147</u>

101. Veterans Affairs, Department of:

(a) Administration of Veterans Affairs Program		2,252,750
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SOURCE OF FUNDS:

(1) State General Fund	1,895,242	
(2) State General Fund-Retirement	179,021	
(3) State General Fund-Social Security	117,599	
(4) State General Fund-Health Insurance	<u>60,888</u>	
Total Department of Veterans Affairs	<u>2,252,750</u>	<u>2,252,750</u>

102. Veterinary Medical Examiners, Alabama State Board of:

(a) Professional and Occupational Licensing and Regulation Program		16,750
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SOURCE OF FUNDS:

(1) State Board of Veterinary Medical Examiners Fund	16,750	
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As provided in Title 34, Chapter 29,
1975 Code of Alabama.

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Total Alabama State Board of Veterinary Medical Examiners ...	<u>16,750</u>	<u>16,750</u>
103. Water and Waste Water Systems Personnel, Board of Certification for:		
(a) Professional and Occupational Licensing and Regulation Program		4,800
SOURCE OF FUNDS:		
(1) Operators and Certification Fund	4,800	
As provided in Title 22, Chapter 25, 1975 Code of Alabama.		
Total Board of Certification for Water and Waste Water Systems Personnel	<u>4,800</u>	<u>4,800</u>
104. Water Well Standards Board, Alabama:		
(a) Professional and Occupational Licensing and Regulation Program		37,800
SOURCE OF FUNDS:		
(1) Well Digger's Licensing Fund	37,800	
As provided in Title 22, Chapter 24, 1975 Code of Alabama.		
Total Alabama Water Well Standards Board	<u>37,800</u>	<u>37,800</u>
105. Women's Commission, Alabama:		
(a) Employment and Social Opportunities Program		9,991
SOURCE OF FUNDS:		
(1) State General Fund	<u>9,991</u>	
Total Alabama Women's Commission	<u>9,991</u>	<u>9,991</u>
106. Space Science Exhibit Commission, Alabama:		
(a) Tourism and Travel Promotion Program		388,000
SOURCE OF FUNDS:		
(1) State General Fund-Capital Outlay	<u>388,000</u>	
Total Alabama Space Exhibit Comm.	<u>388,000</u>	<u>388,000</u>

D. Other Functions of Government Funded from the General Fund:		
1. Advertising Lands For Tax Sale:		
(a) State Revenue Administration Program, Estimated		70,810
SOURCE OF FUNDS:		
(1) State General Fund	70,810	
Total Advertising Lands for Tax Sale	70,810	70,810
2. Arrest of Absconding Felons:		
(a) Criminal Investigation Pro- gram, Estimated		31,040
SOURCE OF FUNDS:		
(1) State General Fund	31,040	
Total Arrest of Absconding Felons	31,040	31,040
3. Automatic Appeal Expense:		
(a) Legal Advice and Legal Service Program, Estimated		485
SOURCE OF FUNDS:		
(1) State General Fund	485	
As provided in Title 12, Chapter 22, Sections 150 and 241, 1975 Code of Alabama.		
Total Automatic Appeal Expense	485	485
4. Civil Court Costs in Connection with Ad Valorem Tax Assess- ments Appeals:		
(a) State Revenue Administration Program, Estimated		194
SOURCE OF FUNDS:		
(1) State General Fund	194	
Total Civil Court Costs in Con- nection with Ad Valorem Tax As- sessment Appeals	194	194
5. Consumer Utility Rate Hearing:		
(a) Executive Direction Program		242,500
SOURCE OF FUNDS:		
(1) State General Fund	242,500	
As provided in Title 37, Chapter 1, Article 1, 1975 Code of Alabama.		
Total Consumer Utility Rate Hear- ing	242,500	242,500

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6. Court Costs-Act No. 558, 1957:

(a) Court Operations Program, Estimated 14,550

SOURCE OF FUNDS:

(1) State General Fund 14,550

Pursuant to Act No. 558, 1957, page 777.

Total Court Costs-Act No. 558, 1957 14,550 14,550

7. Court Costs Not Otherwise Provided for:

(a) Legal Advice and Legal Service Program, Estimated 676,000

SOURCE OF FUNDS:

(1) State General Fund 676,000

Total Courts Costs Not Otherwise Provided For 676,000 676,000

8. Distribution of Public Documents:

(a) Administrative Support Service Program, Estimated 17,460

SOURCE OF FUNDS:

(1) State General Fund 17,460

Total Distribution of Public Documents 17,460 17,460

9. Election Expenses:

(a) Special Services Program, Estimated 450,000

SOURCE OF FUNDS:

(1) State General Fund 450,000

Total Election Expenses 450,000 450,000

10. Emergency Fund, Departmental:

(a) Special Services Program 436,500

SOURCE OF FUNDS:

(1) State General Fund 436,500

(This is the appropriation contemplated in Title 41, Chapter 4, Section 94, 1975 Code of Alabama, and shall be the only amount appropriated and the total amount expended under the provisions of said section.)

Total Departmental Emergency Fund	436,500	436,500
11. Fair Trial Tax Transfer:		
(a) Court Operations Program ..		97,000
SOURCE OF FUNDS:		
(1) State General Fund	97,000	
Total Fair Trial Tax Transfer ...	97,000	97,000
12. Feeding of Prisoners:		
(a) Institutional Services-Corrections Program, Estimated ..		3,000,000
SOURCE OF FUNDS:		
(1) State General Fund	3,000,000	
For expenses of feeding prisoners in county jails.		
Total Feeding of Prisoners	3,000,000	3,000,000
13. Governors' Conference, National:		
(a) Executive Direction Program		40,892
SOURCE OF FUNDS:		
(1) State General Fund	40,892	
Total National Governors' Conference	40,892	40,892
14. Governor's Councillor:		
(a) Executive Direction Program		36,000
SOURCE OF FUNDS:		
(1) State General Fund	36,000	
As provided in Title 36, Chapter 13, Section 13, 1975 Code of Alabama.		
Total Governor's Councillor	36,000	36,000
15. Governor's Proclamation Expenses:		
(a) Executive Direction Program		145,500
SOURCE OF FUNDS:		
(1) State General Fund	145,500	
Total Governor's Proclamation Expenses	145,500	145,500
16. Governors' Widows Retirement:		
(a) Executive Direction Program		14,400
SOURCE OF FUNDS:		

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(1) State General Fund	14,400	
Total Governors' Widows Retirement	14,400	14,400
17. Interpreter's Account:		
(a) Court Support Services Program, Estimated		1,455
SOURCE OF FUNDS:		
(1) State General Fund	1,455	
As provided in Title 12, Chapter 21, Sections 131-134, 1975 Code of Alabama.		
Total Interpreter's Account	1,455	1,455
18. Law Enforcement Fund:		
(a) Special Police Services Program		8,730
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	8,730	
Total Law Enforcement Fund ...	8,730	8,730
19. Law Enforcement Legal Defense:		
(a) Legal Advice and Legal Services Program		2,910
SOURCE OF FUNDS:		
(1) State General Fund	2,910	
To carry out provisions of Act No. 259, 1957 Regular Session.		
Total Law Enforcement Legal Defense	2,910	2,910
20. Mailing Tax Notices:		
(a) State Revenue Administration Program		194
SOURCE OF FUNDS:		
(1) State General Fund	194	
Total Mailing Tax Notices	194	194
21. Matching Federal Funds Not Otherwise Provided for:		
(a) Special Services Program		49,470
SOURCE OF FUNDS:		
(1) State General Fund	49,470	
Total Matching Federal Funds Not Otherwise Provided For	49,470	49,470

22. Mental Health Fund, Alabama Special		34,250,000
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	<u>34,250,000</u>	
Total Alabama Special Mental Health Fund	<u>34,250,000</u>	<u>34,250,000</u>
23. Printing of Legislative Acts and Journals:		
(a) Administrative Support Services Program, Estimated		198,850
SOURCE OF FUNDS:		
(1) State General Fund	<u>198,850</u>	
Total Printing of Legislative Acts and Journals	<u>198,850</u>	<u>198,850</u>
24. Printing of State and County Privilege Licenses:		
(a) State Revenue Administration Program		970
SOURCE OF FUNDS:		
(1) State General Fund	<u>970</u>	
Total Printing of State and County Privilege Licenses	<u>970</u>	<u>970</u>
25. Public Defenders:		
(a) Court Operations Program ..		37,834
(Includes employee benefits)		
SOURCE OF FUNDS:		
(1) State General Fund	<u>37,834</u>	
For salaries of Public Defenders for the 21st Judicial Circuit, as provided by Act No. 1158, 1969 Regular Session.		
Total Public Defenders	<u>37,834</u>	<u>37,834</u>
26. Regional Planning Commission		291,000
SOURCE OF FUNDS:		
(1) State General Fund	<u>291,000</u>	
Total Regional Planning Commission	<u>291,000</u>	<u>291,000</u>
27. Registration of Voters:		
(a) Special Services Program, Estimated		550,000

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SOURCE OF FUNDS:

(1) State General Fund	550,000	
Total Registration of Voters	550,000	550,000

28. Removal of Prisoners:

(a) Administrative Services and Logistical Support Program, Est.		145,500
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SOURCE OF FUNDS:

(1) State General Fund	145,500	
Total Removal of Prisoners	145,500	145,500

29. Retired Senior Citizen Volunteer Program

334,000

SOURCE OF FUNDS:

(1) State General Fund	334,000	
Total Retired Senior Citizen Volunteer Program	334,000	334,000

30. State Treasurer-Previous Year's Unpaid Warrants:

(a) Special Services Program, Estimated		150,000
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SOURCE OF FUNDS:

(1) State General Fund	150,000	
Total State Treasurer-Previous Year's Unpaid Warrants	150,000	150,000

31. For Payment of the State's Share of Administration Cost and Matching Grants Furnished by the Federal Emergency Management Agency

2,500,000

SOURCE OF FUNDS:

(1) State General Fund	2,500,000	
Total State's Share of Administration Cost and Matching Grants Furnished by the Federal Emergency Management Agency	2,500,000	2,500,000

The above appropriation shall be conditional upon the condition of the State General Fund and upon the approval of the Governor.

E. Financial Assistance to Non-State Agencies:

1. Amos Alonzo Stagg Bowl:

(a) Tourism and Travel Promotion Program		3,735
SOURCE OF FUNDS:		
(1) State General Fund	3,735	
Total Amos Alonzo Stagg Bowl ..	3,735	3,735
2. Appalachian Regional Commission:		
(a) Planning Program		163,566
SOURCE OF FUNDS:		
(1) State General Fund	163,566	
Total Appalachian Regional Commission	163,566	163,566
3. Armed Forces Day in Alabama:		
(a) Historical Resources Management Program		1,115
SOURCE OF FUNDS:		
(1) State General Fund	1,115	
Total Armed Forces Day in Alabama	1,115	1,115
4. Army Aviation Museum, Fort Rucker, AL:		
(a) Historical Resources Management Program		72,750
SOURCE OF FUNDS:		
(1) State General Fund	72,750	
Total Army Aviation Museum, Fort Rucker, AL	72,750	72,750
5. Azalea Trail Festival, Mobile:		
(a) Tourism and Travel Promotion Program		2,075
SOURCE OF FUNDS:		
(1) State General Fund	2,075	
Total Mobile Azalea Trail Festival	2,075	2,075
6. Big Nance Creek Water Management District:		
(a) Water Resource Development Program		1,867
SOURCE OF FUNDS:		
(1) State General Fund	1,867	
Total Big Nance Creek Water Management District	1,867	1,867

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7. Birmingham Chamber Music Society:

(a) Fine Arts Program 2,075

SOURCE OF FUNDS:

(1) State General Fund 2,075

Total Birmingham Chamber Music Society 2,075 2,075

8. Birmingham Festival of Arts, Inc.:

(a) Fine Arts Program 20,739

SOURCE OF FUNDS:

(1) State General Fund 20,739

Total Birmingham Festival of Arts, Inc. 20,739 20,739

9. Blue and Gray Association, Inc.:

(a) Tourism and Travel Promotion Program 7,469

SOURCE OF FUNDS:

(1) State General Fund 7,469

Total Blue and Gray Association, Inc. 7,469 7,469

10. Chilton County Peach Festival:

(a) Tourism and Travel Promotion Program 6,208

SOURCE OF FUNDS:

(1) State General Fund 6,208

Total Chilton County Peach Festival 6,208 6,208

11. Choccolocco Creek Watershed Association:

(a) Water Resource Development Program 2,910

SOURCE OF FUNDS:

(1) State General Fund 2,910

Total Choccolocco Creek Watershed Association 2,910 2,910

12. Choctawhatchee River Watershed Association, Southeast:

(a) Water Resource Development Program 1,867

SOURCE OF FUNDS:

(1) State General Fund	<u>1,867</u>	
Total Southeast Choctawhatchee River Watershed Association ..	<u>1,867</u>	<u>1,867</u>

13. Civil Air Patrol:

(a) Readiness and Recovery Pro- gram		30,000
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SOURCE OF FUNDS:

(1) State General Fund	<u>30,000</u>	
Total Civil Air Patrol	<u>30,000</u>	<u>30,000</u>

14. Coosa-Alabama River Im-
provement Association:

(a) Water Resource Development Program		10,379
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SOURCE OF FUNDS:

(1) State General Fund	<u>10,379</u>	
Total Coosa-Alabama River Im- provement Association	<u>10,379</u>	<u>10,379</u>

15. Coosa River Action Council,
Inc.:

(a) Water Resource Development Program		8,294
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SOURCE OF FUNDS:

(1) State General Fund	<u>8,294</u>	
Total Coosa River Action Council, Inc.	<u>8,294</u>	<u>8,294</u>

16. Deep Sea Fishing Rodeo, Ala-
bama:

(a) Tourism and Travel Promotion Program		1,246
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SOURCE OF FUNDS:

(1) State General Fund	<u>1,246</u>	
Total Alabama Deep Sea Fishing Rodeo	<u>1,246</u>	<u>1,246</u>

17. Dorse, Mary E., Recreational
and Educational Center:

(a) Financial Assistance Program		4,850
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SOURCE OF FUNDS:

(1) State General Fund	<u>4,850</u>	
Total Mary E. Dorse Recreational and Educational Center	<u>4,850</u>	<u>4,850</u>

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18. Dynne Creek Watershed Conservancy District:		
(a) Water Resource Development Program		1,867
SOURCE OF FUNDS:		
(1) State General Fund	1,867	
Total Dynne Creek Watershed Conservancy District	1,867	1,867
19. Elk River Development Agency:		
(a) Water Resource Development Program		6,208
SOURCE OF FUNDS:		
(1) State General Fund	6,208	
Total Elk River Development Agency	6,208	6,208
20. Elyton Recovery Center:		
(a) Non-Institutional Treatment and Care Program		150,350
SOURCE OF FUNDS:		
(1) State General Fund-Capital Improvement	150,350	
Total Elyton Recovery Center ...	150,350	150,350
21. Energy Board, Southern States:		
(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program		21,171
SOURCE OF FUNDS:		
(1) State General Fund	21,171	
Total Southern States Energy Board	21,171	21,171
22. Forest Festival, Alabama:		
(a) Forest Information and Education Program		6,000
SOURCE OF FUNDS:		
(1) State General Fund	6,000	
Total Alabama Forest Festival ..	6,000	6,000
23. Geneva County Tomato Festival:		
(a) Tourism and Travel Promotion Program		4,147

SOURCE OF FUNDS:

(1) State General Fund	<u>4,147</u>	
Total Geneva County Tomato Festival	<u>4,147</u>	<u>4,147</u>

24. George Lindsey Celebrity Benefit, Inc.:

(a) Tourism and Travel Promotion Program		8,294
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SOURCE OF FUNDS:

(1) State General Fund	<u>8,294</u>	
Total George Lindsey Celebrity Benefit, Inc.	<u>8,294</u>	<u>8,294</u>

25. Gulf Shores Tourist Association:

(a) Tourism and Travel Promotion Program		11,197
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SOURCE OF FUNDS:

(1) State General Fund	<u>11,197</u>	
Total Gulf Shores Tourist Association	<u>11,197</u>	<u>11,197</u>

26. Guntersville Boat Races:

(a) Tourism and Travel Promotion Program		7,091
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SOURCE OF FUNDS:

(1) State General Fund	<u>7,091</u>	
Total Guntersville Boat Races ...	<u>7,091</u>	<u>7,091</u>

27. Hank Williams Memorial Association:

(a) Historical Resources Management Program		4,147
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SOURCE OF FUNDS:

(1) State General Fund	<u>4,147</u>	
Total Hank Williams Memorial Association	<u>4,147</u>	<u>4,147</u>

28. Helen Keller Property Board:

(a) Historical Resources Management Program		22,500
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SOURCE OF FUNDS:

(1) State General Fund	<u>22,500</u>	
Total Helen Keller Property Board	<u>22,500</u>	<u>22,500</u>

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29. Interstate Mining Commission:

(a) Planning Program 8,634

SOURCE OF FUNDS:

(1) State General Fund 8,634

Total Interstate Mining Commission 8,634

8,634

30. Jefferson County Sickie Cell Foundation, Inc.:

(a) Sickie Cell Education Program 29,100

SOURCE OF FUNDS:

(1) State General Fund 29,100

Total Jefferson County Sickie Cell Foundation, Inc. 29,100

29,100

31. Junior Miss Pageant, Inc., America's:

(a) Tourism and Travel Promotion Program 20,000

SOURCE OF FUNDS:

(1) State General Fund 20,000

Total America's Junior Miss Pageant, Inc. 20,000

20,000

32. Ketchepedrakee Creek Watershed Conservancy District:

(a) Water Resource Development Program 1,867

SOURCE OF FUNDS:

(1) State General Fund 1,867

Total Ketchepedrakee Creek Watershed Conservancy District 1,867

1,867

33. Lake Eufaula Summer Spectacular:

(a) Tourism and Travel Promotion Program 7,469

SOURCE OF FUNDS:

(1) State General Fund 7,469

Total Lake Eufaula Summer Spectacular 7,469

7,469

34. Mobile Carnival Association:

(a) Tourism and Travel Promotion Program 3,733

SOURCE OF FUNDS:

(1) State General Fund	<u>3,733</u>	
Total Mobile Carnival Association	<u>3,733</u>	<u>3,733</u>

35. Motor Sports Hall of Fame:

(a) Tourism and Travel Promotion Program		72,750
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SOURCE OF FUNDS:

(1) State General Fund	<u>72,750</u>	
Total Motor Sports Hall of Fame	<u>72,750</u>	<u>72,750</u>

36. Mountain Lakes Tourist Association, Alabama:

(a) Tourism and Travel Promotion Program		19,075
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SOURCE OF FUNDS:

(1) State General Fund	<u>19,075</u>	
Total Mountain Lakes Tourist Association, Alabama	<u>19,075</u>	<u>19,075</u>

37. Pea River Historical and Genealogical Society:

(a) Historical Resources Management Program		4,147
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SOURCE OF FUNDS:

(1) State General Fund	<u>4,147</u>	
Total Pea River Historical and Genealogical Society	<u>4,147</u>	<u>4,147</u>

38. Pea River Watershed Conservancy District:

(a) Water Resource Development Program		1,867
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SOURCE OF FUNDS:

(1) State General Fund	<u>1,867</u>	
Total Pea River Watershed Conservancy District	<u>1,867</u>	<u>1,867</u>

39. Peanut Festival Association, Inc., National:

(a) Tourism and Travel Promotion Program		9,952
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SOURCE OF FUNDS:

(1) State General Fund	<u>9,952</u>	
Total National Peanut Festival Association, Inc.	<u>9,952</u>	<u>9,952</u>

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40. Pike County Pioneer Museum
Association:

(a) Historical Resources Manage-
ment Program 4,147

SOURCE OF FUNDS:

(1) State General Fund 4,147

Total Pike County Pioneer
Museum Association 4,147

41. Pimiento Festival:

(a) Tourism and Travel Promotion
Program 829

SOURCE OF FUNDS:

(1) State General Fund 829

Total Pimiento Festival 829

42. Riverboat Commission, Inc.,
Montgomery:

(a) Tourism and Travel Promotion
Program 18,673

SOURCE OF FUNDS:

(1) State General Fund 18,673

Total Montgomery Riverboat
Commission 18,673

43. Shakespeare Festival, Ala-
bama:

(a) Fine Arts Program 6,218

SOURCE OF FUNDS:

(1) State General Fund 6,218

Total Alabama Shakespeare Festi-
val 6,218

44. Southern Championship Char-
ity Horseshow:

(a) Tourism and Travel Promotion
Program 4,147

SOURCE OF FUNDS:

(1) State General Fund 4,147

Total Southern Championship
Charity Horseshow 4,147

45. Spirit of America Festival,
Inc.:

(a) Tourism and Travel Promotion
Program 3,735

SOURCE OF FUNDS:

(1) State General Fund	<u>3,735</u>	
Total Spirit of America Festival, Inc.	<u>3,735</u>	<u>3,735</u>

46. Sports Hall of Fame:

(a) Historical Resources Manage- ment Program		27,645
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SOURCE OF FUNDS:

(1) State General Fund	<u>27,645</u>	
Total Sports Hall of Fame	<u>27,645</u>	<u>27,656</u>

47. Steer Show Association, Ala-
bama State:

(a) Agricultural Development Services Program		14,550
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SOURCE OF FUNDS:

(1) State General Fund	<u>14,550</u>	
Total Alabama State Steer Show Association	<u>14,550</u>	<u>14,550</u>

48. Tallacoosa Highland Lakes
Association:

(a) Tourism and Travel Promotion Program		7,469
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SOURCE OF FUNDS:

(1) State General Fund	<u>7,469</u>	
Total Tallacoosa Highland Lakes Association	<u>7,469</u>	<u>7,469</u>

49. Tallassee hatchie Creek
Watershed Conservancy Dis-
trict:

(a) Water Resource Development Program		1,649
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SOURCE OF FUNDS:

(1) State General Fund	<u>1,649</u>	
Total Tallassee hatchie Creek Watershed Conservancy District	<u>1,649</u>	<u>1,649</u>

50. Tennessee River Valley Asso-
ciation:

(a) Water Resource Development Program		11,611
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SOURCE OF FUNDS:

(1) State General Fund	11,611	
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Total Tennessee River Valley Association	<u>11,611</u>	<u>11,611</u>
51. Tennessee Valley Publicity and Improvement Association:		
(a) Tourism and Travel Promotion Program		33,174
SOURCE OF FUNDS:		
(1) State General Fund	<u>33,174</u>	
Total Tennessee Valley Publicity and Improvement Association ..	<u>33,174</u>	<u>33,174</u>
52. Terrapin Creek Watershed Conservancy District:		
(a) Water Resource Development Program		1,867
SOURCE OF FUNDS:		
(1) State General Fund	<u>1,867</u>	
Total Terrapin Creek Watershed Conservancy District	<u>1,867</u>	<u>1,867</u>
53. Travel Council, Alabama:		
(a) Tourism and Travel Promotion Program		33,174
SOURCE OF FUNDS:		
(1) State General Fund	<u>33,174</u>	
Total Alabama Travel Council ..	<u>33,174</u>	<u>33,174</u>
54. Tri-Rivers Waterway Development Association:		
(a) Water Resource Development Program		22,392
SOURCE OF FUNDS:		
(1) State General Fund	<u>22,392</u>	
Total Tri-Rivers Waterway Development Association	<u>22,392</u>	<u>22,392</u>
55. Vestavia Hills Dogwood Festival and Trail:		
(a) Tourism and Travel Promotion Program		2,000
SOURCE OF FUNDS:		
(1) State General Fund	<u>2,000</u>	
Total Vestavia Hills Dogwood Festival and Trail	<u>2,000</u>	<u>2,000</u>

56. Veterans Day Committee, National:

(a) Historical Resources Management Program	5,810
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SOURCE OF FUNDS:

(1) State General Fund	5,810	
Total National Veterans Day Committee	5,810	5,810

57. Veterans Day in Alabama:

(a) Historical Resources Management Program	1,659
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SOURCE OF FUNDS:

(1) State General Fund	1,659	
Total Veterans Day in Alabama .	1,659	1,659

58. Women's Hall of Fame, Alabama:

(a) Historical Resources Management Program	5,641
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SOURCE OF FUNDS:

(1) State General Fund	5,641	
Total Alabama Women's Hall of Fame	5,641	5,641

60. Y.M.C.A. Youth Legislature:

(a) Special Services Program	9,700
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SOURCE OF FUNDS:

(1) State General Fund	9,700	
Total Y.M.C.A. Youth Legislature	9,700	9,700

61. Shelby County Historical Assoc.:

SOURCE OF FUNDS:

(1) State General Fund	5,000	
Total Shelby County Historical Association	5,000	5,000

62. Mobile Exploreum:

(a) Historical Resources Management Program	25,000
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SOURCE OF FUNDS:

(1) State General Fund	25,000	
Total Mobile Exploreum	25,000	25,000

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63. East Alabama Sickle Cell
Anemia:

(a) Sickle Cell Anemia-East Ala-
bama 29,100

SOURCE OF FUNDS:

(1) State General Fund 29,100

Total East Alabama Sickle Cell
Anemia 29,100 29,100

F. Debt Service Funded from the
General Fund:

1. General Obligation Capital Im-
provement Bonds, Series A and
B, Estimated 1,133,135

SOURCE OF FUNDS:

(1) State General Fund 1,133,135

Total General Obligation Capital
Improvement Bonds, Series A
and B 1,133,135 1,133,135

2. General Obligation Coosa
Waterway Bonds, Series A, Es-
timated 651,598

SOURCE OF FUNDS:

(1) State General Fund 651,598

Total General Obligation Coosa
Waterway Bonds, Series A. ... 651,598 651,598

3. General Obligation Docks
Facilities Bonds, Series A and B,
Estimated 2,817,000

SOURCE OF FUNDS:

(1) State General Fund 2,817,000

Total General Obligation Docks
Facilities Bonds, Series A and B 2,817,000 2,817,000

4. Inland Waterway Improvement
Bonds, Series A through D, Es-
timated 435,160

SOURCE OF FUNDS:

(1) State General Fund 435,160

Total Inland Waterway Improve-
ment Bonds, Series A through D,
Estimated 435,160 435,160

5. Tennessee-Tombigbee Water-
way Bonds, Series A and B, Es-
timated 886,435

SOURCE OF FUNDS:

(1) State General Fund, Estimated pursuant to Constitutional Amendment No. CCLXX as provided in Act No. 248, 1967 Regular Session	886,435	
Total Tennessee-Tombigbee Waterway Bonds, Series A and B, Estimated	886,435	886,435
6. Corrections Institution Bonds, Estimated		1,057,688

SOURCE OF FUNDS:

(1) State General Fund, Estimated	1,057,688	
Pursuant to Constitutional Amendment No. 374 as provided for in Act No. 134, 1978 Second Special Session.		
Total Corrections Institution Bonds	1,057,688	1,057,688

Section 3. That, except as may be herein otherwise provided, that amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except as may be provided for under Section 5 and 6 of this bill, as provided in the Budget Management Act of 1976, Act No. 494, 1976 Regular Session, and those appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Title 40, Chapter 8, Sections 80-96, 1975 Code of Alabama and the Budget Management Act of 1976 (Act No. 494).

Section 4. That any surplus remaining in any appropriation herein made from the State General Fund to any office, department, bureau, board, commission, or agency may be transferred, on order of the Governor, to any other appropriation herein made from the State General Fund when such appropriation to any office, department, bureau, board, commission, or agency is insufficient to pay salaries in that office, department, bureau, board, commission or agency.

Section 5. In addition to appropriations herein made, all gifts, grants, contributions, appropriations, entitlements or any other funds, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made.

Section 6. No funds appropriated herein may be expended for rent, leases, contracts, or purchases of data processing equipment or services or for rent of any office space on any contract, lease, purchase or agreement made prior to September 30, 1981 for such items, unless approved or reapproved on or after October 1, 1981 by the Director of Finance.

Section 7. All appropriations for retirement, social security, and health insurance shall not be expended for any other purposes other than those specified. In the event that the amount of benefits actually incurred is more than the amount appropriated, a portion of the department's appropriation for operations may be expended for excess benefits.

Authority is hereby provided for any State agency to take advantage of the provisions of Section 209 (b) of the Social Security Act which provides for the exclusion of sick and disability pay from "wages" for purposes of the Social Security Act.

Section 8. Under the State and Local Fiscal Assistance Act of 1972, as amended, Public Law 92-512, 92nd Congress, any interest earned by the State thereon, together with any accruals or reversions accruing from Revenue Sharing Investments are hereby appropriated for General Government to be spent at the discretion of the Governor.

Section 9. That, if any section, paragraph, sentence, clause, provision, or portion of the Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 10. That all laws and parts of laws, general, special, private, or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

Section 11. That each Department of the State funded through the provisions of this budget shall provide an equal opportunity for employment and business opportunities for all citizens of this State without regard to sex or race.

Section 12. That this Act shall become effective October 1, 1981.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 72; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Campbell, Carothers, Cates, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Dial, Dixon, Edwards, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (T), Harvey, Jackson, Johnson (R. G.), Kelley, Laird, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Olive, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

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Nay: Rep. Wyatt.

—1

AMENDMENT OFFERED

Rep. Sasser offered the following amendment to the bill, H. 630 as amended:

Amend H. B. 630 as substituted on page 97, Section 2-D-22, on lines 17, 19421 by deleting the number "34,250,000" and inserting in lieu thereof the number "29,250,000."

Further amend H. B. 630 as substituted on page 59, Section 2-C-66, line 14 by striking the number "56,380,870" and inserting in lieu thereof the number "53,880,870."

Further amend H. B. 630 as substituted on page 59, Section 2-C-66, line 16 by striking "50,960,786" and inserting in lieu thereof "48,460,786."

Further amend H. B. 630 as substituted on page 60, line 10 by striking "88,874,164" and inserting "83,874,167."

Further amend H. B. 630 as substituted on page 60, line 26 by striking the number "139,631,984" and inserting in lieu thereof the number "134,631,984."

AMANDMENT TABLED

On motion of Rep. Owens, the amendment offered by Rep. Sasser to the bill, H. 630 as amended, was tabled.

Yeas 51; Nays 20.

Yeas:

Mr. Speaker, Barton, Bedsole, Bennett, Cabaniss, Campbell, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Howard, Johnson (Roy), Kennedy, Letson, McKee, McMillan, Manley, Minus, Mitchell, Nevett, Olive, Owens, Patton, Penry, Ray, Reed, Riddick, Roberts, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Venable, Ward, Warren, and Whatley.

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Nays:

Reps.: Adams (C), Albright, Bowling, Carter, Dial, Harvey, Holley, Holmes, Johnson (R. G.), Langford, Parker, Payne, Pegues, Sasser, Stout, Tucker, Turnham, Williams, Wyatt and Zoghby.

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AMENDMENT OFFERED

Rep. Blake offered the following amendment to the bill, H. 630 as amended:

On pages 101 through 116, delete all the language and readjust the totals accordingly.

AMENDMENT TABLED

On motion of Rep. Owens, the amendment offered by Rep. Blake to the bill, H. 630 as amended, was tabled.

Yeas 41; Nays 29.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Bennett, Biddle, Cabaniss, Campbell, Carothers, Cates, Clark (G), Cobb, Coburn, Cosby, Dial, Edwards, Gafford, Goodwin, Grimsley, Horn, Kelley, McKee, Manley, Moore, Nevett, Olive, Owens, Parker, Pegues, Ray, Riddick, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Turnham, Waggoner, Ward, Williams and Zoghby.

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Nays:

Reps.: Barton, Blake, Brakefield, Carter, Cheatwood, Cooley, Daniels, Dixon, Drinkard, Ford, Gilmer, Hall, Hammett, Harper (O), Harper (T), Holmes, Howard, Jackson, Johnson (Roy), Laird, Mitchell, Naramore, Rains, Stout, Tucker, Venable, Warren, Whatley and Wyatt.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolutions, your signature thereto is requested:

S. 197. To create a Surface Mining Commission with responsibility and authority to conform the State's Regulatory requirements regarding surface mining activities with the Federal Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, 30 U.S.C. 1200 et. seq., and any valid regulation promulgated thereunder, and thereby enable the State of Alabama to assume exclusive jurisdiction over the regulation of surface coal mining and reclamation operations in this State; and thereby to prevent Federal intrusion into land use planning and control and other integral and traditional aspects of the sovereignty of the State of Alabama; and

To make the State eligible for Federal Funding to develop and implement programs to achieve those purposes essential to the best interests of the people of the State of Alabama and those purposes necessary to prevent further Federal encroachment upon those state's rights protected by the tenth amendment of the Constitution of the United States; and

To repeal Act No. 551, S. 887, Regular Session 1975 (Acts of Alabama 1975, p. 1226), The Alabama Surface Mining Reclamation Act of 1975, and all laws or parts of laws which conflict with this Act.

Also:

S. J. R. 119. CONGRATULATING THE UNIVERSITY OF ALABAMA AT HUNTSVILLE, NAIA BASKETBALL FINALISTS.

Also:

S. J. R. 121. CREATING A JOINT INTERIM COMMITTEE TO INVESTIGATE THE FEASIBILITY OF CREATING A PERPETUAL INTEREST FUND AND ANY OTHER INVESTMENTS AND/OR EXPENDITURES FOR THE WINDFALL STATE OIL LEASE REVENUES.

Also:

S. 310. To provide for health insurance claim forms; requiring the State Insurance Commissioner to prescribe standard health insurance claim forms to be used by hospitals; requiring acceptance of such forms by insurers doing business in the State of Alabama; requiring the use of such forms by those agencies of the state which pay providers of health care for hospital and physicians' services.

Also:

S. 29. To amend Section 34-15-4, Code of Alabama 1975, relating to the duties of a hotel owner, to require hotel owners to install and maintain smoke detectors in their rooms, to further provide for criminal penalties for removing said smoke detectors.

Also:

S. 204. To provide that law enforcement officers employed by the Department of Conservation and Natural Resources and law enforcement officers or investigators employed by the Alcoholic Beverage Control Board may retain their badge, and pistol, and such other personal equipment as the department may designate upon their retirement.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

RESOLUTION

The following resolution was introduced:

By Rep. Ford:

H. J. R. 257. RECREATING A JOINT INTERIM COMMITTEE TO STUDY THE NEEDS AND NECESSITIES OF OFF-CAMPUS BRANCHES OR CENTERS OF JUNIOR COLLEGES.

WHEREAS, the costs of state funding for off-campus branches and centers of junior colleges have escalated in recent years; and

WHEREAS, much controversy surrounds the extent and areas of duplication of services and curriculum to the communities and taxpayers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby recreated a joint interim committee to be composed of three members of the House of Representatives and three members of the Senate, appointed by the presiding officer of each house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets relating to the costs, curriculum, duplication of curriculum within the community, needs, necessities and any other pertinent matters pertaining to off-campus branches and centers of junior colleges.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the 1982 Regular Session, whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session. The total of such expenses shall not exceed \$7500.

The resolution, H. J. R. 257, was read and referred to the Standing Committee on Rules.

H. 630 RESUMED
AMENDMENT OFFERED

Rep. Holley offered the following amendment No. 1 to the bill H. 630 as amended:

In Section 2-A-1-(a), strike 2,900,300 in all places and insert in lieu thereof 4,062,916; strike 2,440,950 and insert in lieu thereof 3,448,916; strike 244,700 and insert in lieu thereof 328,700; strike 159,650 and insert in lieu thereof 212,100; strike 55,000 and insert in lieu thereof 73,200.

In Section 2-A-6-(a), strike 1,166,800 and insert in lieu thereof 1,736,801. In Section 2-A-6-(b), strike 1,750,193 and insert in lieu thereof 2,605,192. In Section 2-A-6- SOURCE OF FUNDS strike 2,750,000 and insert in lieu thereof 4,175,000, and also strike 2,916,993 and insert in lieu thereof 4,341,993.

In Section 2-C-1, strike 1,261 and insert in lieu thereof 2,164 in all places.

In Section 2-C-50, strike 39,271,000 and insert in lieu thereof 39,666,794; strike 38,241,000 and insert in lieu thereof 39,032,706; strike (under SOURCE OF FUNDS, (1) State General Fund) 15,814,870 and insert in lieu thereof 17,002,370; and strike (under SOURCE OF FUNDS, Total Department of Public Health) 18,624,000 and insert in lieu thereof 19,811,500 and strike 92,803,077 and insert in lieu thereof 93,990,577.

Following Section 2-C-106., insert the following:

"107. Arts and Humanities, Council on the

(a) Fine Arts Program	998,750
(b) Birmingham Symphony	200,000
(c) Jefferson County Committee for Economic Opportunity, Inc.	25,000

SOURCE OF FUNDS:

(1) State General Fund	473,750
(2) Federal and Local Funds	<u>750,000</u>

Total Council on the Arts and Humanities	473,750	750,000	1,223,750
"108. Firefighters' Personnel Standards and Education Commission, Alabama			
(a) Professional and Occupational Licensing & Regulation Program			128,559
The appropriation to the Alabama Firefighters Education Commission shall include a transfer to the State Personnel Department of \$196.			
SOURCE OF FUNDS:			
(1) State General Fund	128,559		
Total Alabama Firefighters' Personnel Standards and Education Commission	128,559		128,559
"109. Industrial Development Training Institute, Alabama			
(a) Industrial Training Program			1,322,354
SOURCE OF FUNDS:			
(1) State General Fund	1,200,000		
(2) State General Fund-Employees Retirement	80,258		
(3) State General Fund-Social Security	42,096		
Total Alabama Industrial Development Training Institute	1,322,354		1,322,354
"110. Law Institute, Alabama			
(a) Support of Other Educational Activities Programs			230,918
SOURCE OF FUNDS:			
(1) State General Fund	211,000		
(2) State General Fund-Employees Retirement	7,741		
(3) State General Fund-Social Security	10,113		
(4) State General Fund-Health Insurance	2,064		
Total Alabama Law Institute	230,918		230,918
"111. Library Service, Public			

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(a) Public Library Service Program.	4,358,993
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The appropriation to the Public Library Service shall include a transfer to the State Personnel Department of \$2,779.

SOURCE OF FUNDS:

(1) State General Fund	3,000,000			
(2) State General Fund-Employees Retirement	100,851			
(3) State General Fund-Social Security	66,251			
(4) State General Fund-Health Insurance	32,729			
(5) Federal and Local Funds		1,159,162		
Total Public Library Service	3,199,831	1,159,162		4,358,993

"112. Peace Officers Standards and Training Commission, Alabama

(a) Professional and Occupational Licensing and Regulation Program	110,025
(b) Certified Law Enforcement Academy Programs	199,975

Jacksonville State University 38,000

University of Alabama ... 38,000

James H. Faulkner Jr. Col. 38,000

Troy St. Univ. Montgomery 38,000

Dept of Public Safety—Craig AFB 47,975

The appropriation to the Alabama Peace Officers Standards and Training Commission shall include a transfer to the State Personnel Department of \$96.

SOURCE OF FUNDS:

(1) State General Fund	310,000			
Total Alabama Peace Officers Standards & Training Commission	310,000			310,000

"113. Youth Services, Department of

(a) Youth Services Program	9,649,305
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The appropriation to the Department of Youth Services shall include a transfer to the State Personnel Department of \$19,187.

SOURCE OF FUNDS:

(1) State General Fund	6,904,835		
(2) State General Fund-Employees Retirement	611,727		
(3) State General Fund-Social Security	292,042		
(4) State General Fund-Health Insurance	160,045		
(5) Federal and Local Funds		<u>1,680,656</u>	
Total Department of Youth Services	<u>7,968,649</u>	<u>1,680,656</u>	<u>9,649,305"</u>

Following Section 2-D-30., insert the following:

"31. Administrative Services

(a) Telephone Revolving Fund ..	1,116,000
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SOURCE OF FUNDS:

(1) State General Fund	<u>1,116,000</u>	
Total Administrative Services ...	<u>1,116,000</u>	<u>1,116,000</u>

"32. Direct Client Services for the Handicapped

(a) Handicapped Recreation Program	186,000
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(To provide recreation and services at a year round accredited handicapped recreation facility.)

(b) Hemophilia Program	279,000
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SOURCE OF FUNDS:

(1) State General Fund	<u>465,000</u>	
Total Direct Client Services for the Handicapped	<u>465,000</u>	<u>465,000</u>

"33. Emergency Medical Services Program

1,500,000

To be distributed as follows:

- | | |
|--|---------|
| (1) West Alabama Emergency Services, Inc. | 250,000 |
| (2) Birmingham Regional Emergency Medical System | 250,000 |
| (3) North Alabama Emergency Medical Services, Inc. . | 250,000 |

- (4) Southeast Alabama Emergency Medical Services System, Inc. 250,000
- (5) East Alabama Emergency Medical Services, Inc. . 250,000
- (6) Southwest Alabama Emergency Medical Services Council, Inc. 250,000

The amounts herein appropriated shall be used for the operation and maintenance of the various medical services programs named and for the purchase of supplies and new equipment for such programs.

SOURCE OF FUNDS:

(1) State General Fund	<u>1,500,000</u>	
Total Emergency Medical Services Program	<u>1,500,000</u>	<u>1,500,000</u>
"34. Project to Develop a Financial Management Information System		39,000

SOURCE OF FUNDS:

(1) State General Fund	19,000		
(2) Federal and Local Funds		<u>20,000</u>	
Total Project to Develop a Financial Management Information System	<u>19,000</u>	<u>20,000</u>	<u>39,000"</u>

In Section 2-E-44, strike 6,218 and insert in lieu thereof 31,218 in all cases.

Following Section 2-E-60, insert the following:

- "61. Environmental Quality Association, Alabama
- (a) Environmental Program 162,750

SOURCE OF FUNDS:

(1) State General Fund	<u>162,750</u>	
Total Alabama Environmental Quality Association	<u>162,750</u>	<u>162,750"</u>

AMENDMENT TABLED

On motion of Rep. Owens, the amendment No. 1 offered by Rep. Holley to the bill, H. 630 as amended, was tabled.

Yeas 51; Nays 41.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Biddle, Cabaniss, Campbell, Carothers, Cates, Clark (G), Clark (W), Cobb, Coburn, Cosby, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Gregg, Grimsley, Grouby, Harper (T), Kelley, McKee, McMillan, Manley, Minus, Mitchell, Moore, Owens, Parker, Payne, Pegues, Reed, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Stewart, Turnham, Waggoner, Ward, Whatley, Williams, Willis and Zoghby.

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Nays:

Reps.: Albright, Amari, Blake, Bowling, Brakefield, Buskey, Carter, Cheatwood, Cooley, Crow, Escott, Ford, Goodwin, Greer, Hall, Hammett, Harper (O), Harvey, Holley, Holmes, Johnson (R. G), Johnson (Roy), Laird, Langford, Letson, Lewis, Naramore, Nevett, Olive, Patton, Rains, Ray, Roberts, Shavers, Smith (C), Starkey, Stout, Turner, Venable, Warren and Wyatt.

—41

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 116. To amend Section 4-3-47 of the Code of Alabama 1975, relating to airport authorities, so as to further provide for the powers of such authorities.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 247. COMMENDING STATE EMPLOYEES FOR THEIR LOYAL SERVICE.

Also:

H. J. R. 239. MOURNING THE DEATH OF FORMER WORLD HEAVYWEIGHT CHAMPION, JOE LOUIS.

Also:

H. J. R. 243. EXPRESSING ALABAMA'S TREMENDOUS PRIDE IN THE SUCCESSFUL FLIGHT OF COLUMBIA AND COMMENDING ITS CREW AND NASA.

Also:

H. J. R. 252. COMMENDING MR. HENRY LEGRONE FOR OUTSTANDING SERVICE IN SCOUTING.

Also:

H. J. R. 244. MOURNING THE DEATH OF MRS. BESSIE PEARL STARKEY OF FLORENCE, ALABAMA.

Also:

H. J. R. 194. DESIGNATING THAT PORTION OF ALABAMA HIGHWAY 9, BETWEEN ITS JUNCTION WITH U.S. 231 AT WETUMPKA IN ELMORE COUNTY TO ITS JUNCTION WITH U.S. 280 AT SOCAPATTOY IN COOSA COUNTY, AS THE "OLD CENTRAL PLANK ROAD".

Also:

H. J. R. 254. CREATING A CONTINUING SELECT JOINT NUCLEAR ENERGY ACTIVITIES AND HAZARDOUS CHEMICAL TOXIC WASTE OVERSIGHT COMMITTEE.

Also:

H. J. R. 255. APPROPRIATING FUNDS TO THE CONTINUING SELECT JOINT COMMITTEE TO STUDY THE RISING COST TO THE STATE OF THE MEDICAID PROGRAMS ESTABLISHED BY ACT NO. 79-816 OF THE 1979 REGULAR SESSION OF THE LEGISLATURE.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 648. Relating to Coosa County; enunciating legislative intent; providing for an increase in court costs and providing for the disposition of the proceeds from the increase.

Also:

H. 649. Relating to Coosa County; providing further for the issuance of pistol permits by the sheriff, the fees therefor and the use of such fees; repealing specifically Act No. 121, H. 22 of the 1971 Regular Session (Acts 1971, p. 204), as amended, entitled, "An Act Relating to counties having populations of not less than 10,660 nor more than 10,900, according to the most recent federal decennial census; fixing the fees for issuance of pistol permits by the sheriff and providing for distribution and use of such fees," and repealing conflicting laws.

Also:

H. 650. To provide that the county commission of Coosa County shall pay all deputy sheriffs a starting salary of \$900.00 per month. The chief deputy shall be entitled to a salary of not less than \$75.00 per month more than a deputy. A sergeant will draw \$30.00 per month more than a deputy.

Also:

H. 714. Proposing an Amendment to the Constitution of 1901 relating to the City of Alabaster in Shelby County; authorizing the municipal governing body to levy an additional ad valorem tax.

Also:

H. 721. Relating to Winston County; providing for purging the lists of registered voters; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Also:

H. 840. To amend Section 8 of Act 2431, H. 2569, 1971 Regular Session (Acts of 1971, p. 3880), as amended, by Act 97, H. 433, 1973 Regular Session (Acts of 1973, p. 123).

McDOWELL LEE,
Secretary.

H. 630 RESUMED

Rep. Holley offered the following amendment No. 2 to the bill, H. 630 as amended:

Following Section 2-D-30, insert the following:

"31. Alabama Special Educational Trust Fund

(a) To repay funds of the ASETF transferred in Act 934 of the 1975 Regular Session:	27,957,000
---	------------

To General Fund 8,957,000

To State Department of Mental
Health 19,000,000

(b) To repay funds of the ASETF appropriated in Act 934 of the 1975 Regular Session:	2,500,000
--	-----------

To University of Alabama-
University Hospital &
Clinics 2,000,000

To University of South Ala-
bama-University Medical Cen-
ter 500,000

SOURCE OF FUNDS:

(1) State General Fund	30,457,000
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Total Repayment to ASETF	30,457,000	30,457,000"
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AMENDMENT TABLED

On motion of Rep. Owens, the amendment No. 2 offered by Rep. Holley to the bill, H. 630 as amended, was tabled.

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Yeas 58; Nays 30.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Biddle, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Coburn, Cosby, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Harper (T), Jounson (R. G.), Kelley, McKee, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens, Parker, Payne, Pegues, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Turnham, Venable, Ward, Whatley, Williams, Willis and Zoghby.

—58

Nays:

Reps.: Albright, Bennett, Blake, Bowling, Brakefield, Cheatwood, Cooley, Crow, Escott, Ford, Hall, Hammett, Harper (O), Holley, Holmes, Horn, Howard, Johnson (Roy), Kennedy, Langford, Letson, Naramore, Nevett, Rains, Ray, Smith (C), Trammell, Tucker, Turner and Wyatt.

—30

AMENDMENT OFFERED

Rep. Holley offered the following amendment No. 3 to the bill H. 630 as amended:

Following Section 2-D-30, insert the following:

“31. Medical Care Facilities

(a) Medical Center Hospital in Mobile	1,593,556	35,087,760	36,681,316
(b) University Hospital in Birmingham	<u>5,955,206</u>	<u>117,426,684</u>	<u>123,381,890</u>

SOURCE OF FUNDS:

(1) State General Fund	7,548,762		
(2) Federal, Local and Miscellaneous Funds		<u>152,514,444</u>	
Total Medical Care Facilities	<u>7,548,762</u>	<u>152,514,444</u>	<u>160,063,206”</u>

AMENDMENT TABLED

On motion of Rep. Owens, the amendment No. 3 offered by Rep. Holley to the bill, H. 630 as amended, was tabled.

Yeas 50; Nays 36.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Biddle, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Cosby, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Gregg, Grimsley, Grouby, Kelley, McKee, McMillan, Minus, Mitchell, Owens, Parker, Payne, Pegues, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Turnham, Venable, Ward, Whatley, Williams, Willis and Zoghby.

—50

Nays:

Reps.: Albright, Blake, Bowling, Brakefield, Cheatwood, Cooley, Crow, Escott, Ford, Greer, Hall, Hammett, Harper (O), Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, Naramore, Nevett, Patton, Rains, Ray, Smith (C), Smith (M), Stout, Trammell, Tucker, Turner, Warren and Wyatt.

—36

AMENDMENT OFFERED

Rep. Willis offered the following amendment to the bill, H. 630 as amended:

Amend Substitute to Substitute for H. B. 630, page 41, line 5, (a), by striking 8,111,729 and inserting in lieu thereof the following: 7,061,729

Further amend Substitute to Substitute for H. B. 630, page 41, line 22, (5), by striking 2,919,028 and inserting in lieu thereof the following: 2,969,028

Further amend Substitute to Substitute for H. B. 630, page 42, line 5, by striking \$100,000 and inserting in lieu thereof the following: \$150,000

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 83; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bedsole Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Trammell, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—83

Nay: Rep. McKee.

—1

AMENDMENT OFFERED

Rep. Rains offered the following amendment to the bill, H. 630 as amended:

Amend H. B. 630 as follows:

On page 5, after subsection (b) on lines 14 and 15, insert the following line item appropriation and adjust all subsequent totals accordingly:

- (c) two additional WATS (telephone) lines for use by members of the legislature between the hours of 7:00 a.m. and 11:00 p.m. seven days per week ... \$1,400

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 84; Nays 0.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holmes, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (M), Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, Williams, Willis, Wyatt and Zoghby.

—84

AMENDMENT OFFERED

Rep. Penry offered the following amendment to the bill, H. 630 as amended:

On page 38, on line 30 add the following:

It is the intent of the legislature that this appropriation shall not be interpreted to authorize the state to employ Management Improvement Corporation of America services in the future.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Nevett, Olive, Owens, Parker, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—83

AMENDMENT OFFERED

Rep. Buskey offered the following amendment to the bill, H. 630 as amended:

On page 54, line 13, strike the figure "7,702,068" and insert in lieu thereof and adjust all totals accordingly:

7,692,068

On page 54, line 15, strike the figure "5,367,812" and insert in lieu thereof:

5,358,812

On page 54, line 22, strike the figure "671,671" and insert in lieu thereof:

652,671

On page 116, after line 25, insert the following and adjust the totals accordingly:

64. Southwest Alabama Sickle
Cell Anemia Association, Inc.:

SOURCE OF FUNDS:

(1) State General Fund 19,000

Total Southwest Alabama Sickle		
Cell Anemia Association, Inc. .	<u>19,000</u>	<u>19,000</u>

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 54; Nays 6.

Yeas:

Reps.: Adams (C), Adams (H), Bedsole, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Crow, Daniels, Drinkard, Escott, Ford, Gilmer, Goodwin, Grimsley, Grouby, Harper (T), Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Kennedy, Langford, McMillan, Minus, Nevett, Olive, Owens, Parker, Penry, Ray, Reed, Riddick, Roberts, Seibels, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Venable, Warren, Williams and Zoghby.

—54

Nays: Reps.: Barton, Blake, McKee, Mitchell, Sasser and Shavers. —6

AMENDMENT OFFERED

Rep. Naramore offered the following amendment to the bill, H. 630 as amended:

Amend Substitute for H. B. 630 by deleting in its entirety item 31, under Section 2, D on Page 100 of the bill.

AMENDMENT TABLED

On motion of Rep. Owens, the amendment offered by Rep. Naramore to the bill, H. 630 as amended, was tabled.

Yeas 62; Nays 15.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Cooley, Crow, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Grimsley, Hammett, Harper (O), Harper (T), Jackson, Johnson (R. G.), Laird, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens, Parker, Patton, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Willis and Zoghby.

—62

Nays:

Reps.: Albright, Blake, Brakefield, Coburn, Cosby, Daniels, Hall, Holley, Johnson (Roy), Kelley, Langford, McKee, Naramore, Trammell and Wyatt.

—15

AMENDMENT OFFERED

Rep. Letson offered the following amendment to the bill, H. 630 as amended:

On page 26, in line 13, delete the figure "40,686,846" and insert in lieu thereof:

37,686,846

On page 26, line 21, delete the figure "3,000,000" and insert in lieu thereof:

6,000,000

MOTION TO TABLE LOST

The motion offered by Rep. Owens to table the amendment offered by Rep. Letson to the bill, H. 630 as amended, was lost.

Yeas 41; Nays 43.

Yeas:

Mr. Speaker, Adams (C), Bennett, Biddle, Cabaniss, Campbell, Carothers, Cates, Clark (G), Clark (W), Dial, Drinkard, Ford, Gafford, Gilmer, Grimsley, Jackson, Kelley, McKee, McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Pegues, Penry, Ray, Sandusky, Sasser, Seibels, Shoemaker, Stewart, Turnham, Venable, Ward, Whatley, Williams, Willis and Zoghby.

—41

Nays:

Reps.: Albright, Barton, Blake, Bowling, Carter, Cheatwood, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Edwards, Escott, Goodwin, Grouby, Hall,

Hammett, Harper (O), Holley, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Laird, Lewis, Mitchell, Naramore, Nevett, Patton, Rains, Riddick, Roberts, Shavers, Smith (C), Smith (J), Smith (M), Stout, Tucker, Turner, Waggoner, Warren and Wyatt.

—43

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Rep. Letson to the bill, H. 630 as amended, and the amendment was adopted.

Yeas 54; Nays 39.

Yeas:

Reps.: Albright, Amari, Barton, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cheatwood, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Edwards, Escott, Gilmer, Goodwin, Greer, Grouby, Hall, Hammett, Harper (O), Holley, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Laird, Langford, Lewis, Mitchell, Naramore, Nevett, Patton, Payne, Rains, Roberts, Shavers, Smith (C), Smith (J), Smith (M), Starkey, Stout, Trammell, Tucker, Turner, Waggoner, Warren and Wyatt.

—54

Nays:

Mr. Speaker, Adams (C), Bedsole, Campbell, Cates, Clark (G), Clark (W), Dial, Drinkard, Ford, Gafford, Grimsley, Harper (T), Horn, Jackson, Kelley, McKee, McMillan, Manley, Minus, Moore, Olive, Owens, Pegues, Penry, Ray, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Stewart, Turnham, Venable, Ward, Whatley, Williams, Willis and Zoghby.

—39

AMENDMENT OFFERED

Rep. Payne offered the following amendment to the bill, H. 630 as amended:

Amend H. B. 630 as substituted by deleting on page 3, Section A, 1 (a) line 7, 9 and 16 those figures struck thru and insert in lieu thereof the new figures as shown below:

A. LEGISLATIVE:

1. Examiners of Public Accounts,
Department of:

(a) Legislative Support-Audit Services Program	2,989,370
.....	2,900,300

SOURCE OF FUNDS:

.....	2,530,020
(1) State General Fund	2,440,950
(2) State General Fund-Retirement	244,700

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(3) State General Fund-Social Security	159,650	
(4) State General Fund-Health Insurance	<u>55,000</u>	
Total Department of Examiners of Public Accounts	2,989,370	2,989,370
.....	<u>2,900,300</u>	<u>2,900,300</u>

further amend the bill on page 37, Section C, 33, (a) by deleting the figures on line 5, 11 and 14 and inserting in lieu thereof the new figures below:

33. Energy, Department of:

(a) Energy Management Program	6,237,744
.....	6,326,814

The appropriation to the Department of Energy shall include a transfer to the State Personnel Department of \$767.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	425,430	
.....	514,500	
(2) Federal, Local and Miscellaneous Funds	<u>5,812,314</u>	
Total Department of Energy	425,430	6,237,744
.....	<u>514,500</u>	<u>5,812,314</u> <u>6,326,814</u>

MOTION TO TABLE LOST

The motion offered by Rep. Drinkard to table the amendment offered by Rep. Payne to the bill, H. 630 as amended, was lost.

Yeas 13; Nays 52.

Yeas:

Reps. Clark (W), Crow, Daniels, Drinkard, Harper (T), Holmes, Horn, Parker, Penry, Stewart, Stout, Wyatt and Zoghby.

—13

Nays:

Reps.: Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Cobb, Cosby, Dial, Gilmer, Goodwin, Hall, Hammett, Harper (O), Howard, Jackson, Johnson (R. G.), Johnson (Roy), Laird, Lewis, McKee, McMillan, Manley, Minus, Naramore, Nevett, Owens, Patton, Payne, Pegues, Rains, Ray, Roberts, Sasser, Seibels, Smith (C), Smith (M), Starkey, Trammell, Tucker, Turner, Turnham and Waggoner.

—52

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Rep. Payne to the bill, H. 630 as amended, and the amendment was adopted.

Yeas 44; Nays 14.

Yeas:

Reps.: Adams (C), Amari, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Cabaniss, Carter, Cates, Cheatwood, Cosby, Gilmer, Goodwin, Greer, Grouby, Hammett, Harper (O), Harper (T), Howard, Johnson (R. G.), Johnson (Roy), Laird, Lewis, McKee, McMillan, Minus, Naramore, Olive, Pegues, Penry, Ray, Riddick, Seibels, Smith (C), Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren and Zoghby.

—44

Nays:

Reps.: Campbell, Clark (G), Clark (W), Crow, Drinkard, Kelley, Manley, Moore, Roberts, Smith (J), Stewart, Stout, Turner and Wyatt.

—14

AMENDMENT OFFERED

Rep. Dixon offered the following amendment to the bill, H. 630 as amended:

Amend House Bill 630 on page 116 by deleting in its entirety Sections 2-E-61, and 2-E-62.

Further amend the bill on page 100 by deleting Section 2-D-29 in its entirety.

Further amend the bill on page 99 by deleting Section 2-D-26 in its entirety.

AMENDMENT TABLED

On motion of Rep. Owens, the amendment offered by Rep. Dixon to the bill, H. 630 as amended, was tabled.

Yeas 59; Nays 27.

Yeas:

Mr. Speaker, Bedsole, Biddle, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Clark (W), Cobb, Crow, Dial, Drinkard, Edwards, Escott, Ford, Gilmer, Grimsley, Harper (T), Harvey, Horn, Howard, Jackson, Johnson (R. G.), Kelley, Kennedy, McMillan, Manley, Moore, Nevett, Olive, Owens, Parker, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams and Zoghby.

—59

Nays:

Reps.: Adams (C), Albright, Amari, Barton, Blake, Bowling, Brakefield, Cosby, Dixon, Gafford, Grouby, Hall, Hammett, Harper (O), Holley, Holmes, Johnson (Roy), Laird, Langford, Lewis, Minus, Mitchell, Naramore, Patton, Starkey, Trammell and Wyatt.

—27

AMENDMENT OFFERED

Rep. Langford offered the following amendment to the bill, H. 630 as amended:

Amend the Substitute to the Substitute to H. B. 630 on page 116 to insert as item No. 64 (under Section E.), "Other Functions of Government Funded from the General Fund:," The Opportunities Industrialization Centers for an appropriation of \$200,000 from the State General Fund, to be divided among all Opportunities Industrialization Centers within the state.

AMENDMENT TABLED

On motion of Rep. Owens, the amendment offered by Rep. Langford to the bill, H. 630 as amended, was tabled.

Yeas 53; Nays 25.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Blake, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Cosby, Dial, Edwards, Ford, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Kelley, Laird, Manley, Minus, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Venable, Ward, Whatley and Williams.

—53

Nays:

Reps.: Bowling, Brakefield, Buskey, Clark (W), Crow, Escott, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Lewis, McKee, Naramore, Nevett, Ray, Tucker, Turner, Waggoner, Wyatt and Zoghby.

—25

AMENDMENT OFFERED

Rep. Gafford offered the following amendment to the bill, H. 630 as amended:

On page 74, in Section 80, Subsection (a), line 6, delete 16,726,253 and insert in lieu thereof:

16,152,910

and in line 14, subsection (f), delete 1,233,039 and insert in lieu thereof:

1,806,382

AMENDMENT TABLED

On motion of Rep. Barton, the amendment offered by Rep. Gafford to the bill, H. 630 as amended, was tabled.

Yeas 61; Nays 18.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Crow, Dial, Drinkard, Edwards, Ford, Gilmer, Greer, Grimsley, Grouby, Harper (O), Harper (T), Harvey, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, McMillan, Manley, Minus, Mitchell, Naramore, Olive, Owens, Parker, Pegues, Penry, Ray, Reed, Riddick, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (M), Starkey, Stewart, Stout, Turnham, Warren, Whatley, Wyatt and Zoghby.

—61

Nays:

Reps.: Amari, Biddle, Carothers, Cosby, Gafford, Hall, Lewis, Moore, Nevett, Patton, Payne, Rains, Roberts, Smith (C), Trammell, Turner, Waggoner and Williams.

—18

AMENDMENT OFFERED

Rep. Kennedy offered the following amendment to the bill, H. 630 as amended:

On page 116, after line 25 insert the following and adjust all totals accordingly:

64. Federation of Southern
Cooperatives

a) For Miss Black Alabama
Pageant

9,000

SOURCE OF FUNDS:

1) State General Fund 9,000

Total 9,000 9,000

AMENDMENT TABLED

On motion of Rep. Minus, the amendment offered by Rep. Kennedy to the bill, H. 630 as amended, was tabled.

Yeas 55; Nays 17.

Yeas:

Mr. Speaker, Adams (C), Barton, Biddle, Blake, Brakefield, Cabaniss, Campbell, Carothers, Carter, Clark (G), Cobb, Coburn, Cooley, Cosby, Dial, Dixon, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harvey, Johnson (R. G.), Kelley, Laird, McKee, Manley, Minus, Mitchell, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stout, Venable and Williams.

—55

Nays:

Reps.: Bowling, Buskey, Clark (W), Escott, Hall, Holmes, Jackson, Johnson (Roy), Kennedy, Langford, Letson, Nevett, Smith (M), Turner, Warren, Wyatt and Zoghby.

—17

AMENDMENT OFFERED

Rep. Holmes offered the following amendment No. 1 to the bill, H. 630 as amended:

On page 66, line 7 after the word "widow" insert:

or former slaves and their widows

On page 66, line 10 after word "widows" insert:

and former slaves and their widows

AMENDMENT LOST

And the amendment was lost.

Yeas 10; Nays 60.

Yeas:

Reps.: Buskey, Clark (W), Escott, Holmes, Howard, Jackson, Kennedy, Langford, Nevett and Tucker.

—10

Nays:

Mr. Speaker, Adams (H), Barton, Biddle, Blake, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Coburn, Cooley, Cosby, Dial, Dixon, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harvey, Johnson (R. G.), Kelley, Laird, Letson, McMillan, Manley, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Trammell, Turner, Turnham, Venable, Waggoner, Williams and Willis.

—60

AMENDMENT OFFERED

Rep. Holmes offered the following amendment No. 2 to the bill, H. 630 as amended:

On page 108, delete lines 22-27 in their entirety and adjust totals accordingly and renumber accordingly.

AMENDMENT TABLED

On motion of Rep. Sandusky, the amendment offered by Rep. Holmes to the bill, H. 630 as amended, was tabled.

Yeas 53; Nays 11.

Yeas:

Mr. Speaker, Adams (H), Bedsole, Bennett, Biddle, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cates, Clark (G), Cobb, Cooley, Dial, Dixon, Ford, Gafford, Gilmer, Grimsley, Harper (T), Harvey, Johnson (Roy), Kelley, Laird, McKee, Manley, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Pegues, Rains, Roberts, Sandusky, Sasser, Seibels, Shavers, Shcemaker, Smith (C), Smith (J), Stewart, Trammell, Turner, Turnham, Venable, Waggoner, Whatley, Williams and Zoghby.

—53

Nays:

Reps.: Barton, Blake, Buskey, Clark (W), Escott, Holley, Holmes, Langford, Letson, Nevett and Stout.

—11

AMENDMENT OFFERED

Rep. Clark (W) offered the following amendment to the bill, H. 630 as amended:

On page 109, line 19, strike the figure 3,733 and insert in lieu thereof the figure 2,233. On line 20, strike the figure 3,733 and insert in lieu thereof the figure 2,233

On page 109, after line 20, add the following subsection 35:

35. Mobile Area Mardi Gras Association

(a) Tourism and Travel Promotion Program 1,500

SOURCE OF FUNDS:

(1) State General Fund 1,500

Total Mobile Area Mardi Gras Association 1,500 1,500

Further amend House Bill 630 as substituted on page 108 by renumbering the subsequent sections accordingly.

AMENDMENT TABLED

On motion of Rep. Sandusky, the amendment offered by Rep. Clark (W), to the bill, H. 630 as amended, was tabled.

Yeas 40; Nays 17.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Biddle, Brakefield, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Cooley, Dial, Ford, Gilmer, Grimsley, Hall, Harper (T), Harvey, Laird, Letson, McKee, Manley, Olive, Owens, Pegues, Rains, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Stewart, Turnham, Waggoner, Williams and Willis.

—40

Nays:

Reps.: Buskey, Clark (W), Cosby, Escott, Greer, Holley, Holmes, Howard, Jackson, Kennedy, Nevett, Parker, Starkey, Tucker, Turner, Wyatt and Zoghby.

—17

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 648. Relating to Coosa County; enunciating legislative intent; providing for an increase in court costs and providing for the disposition of the proceeds from the increase.

Also:

H. 649. Relating to Coosa County; providing further for the issuance of pistol permits by the sheriff, the fees therefor and the use of such fees; repealing specifically Act No. 121, H. 22 of the 1971 Regular Session (Acts 1971, p. 204), as amended, entitled, "An Act Relating to counties having populations of not less than 10,660 nor more than 10,900, according to the most recent federal decennial census; fixing the fees for issuance of pistol permits by the sheriff and providing for distribution and use of such fees," and repealing conflicting laws.

Also:

H. 650. To provide that the county commission of Coosa County shall pay all deputy sheriffs a starting salary of \$900.00 per month. The chief deputy shall be entitled to a salary of not less than \$75.00 per month more than a deputy. A sergeant will draw \$30.00 per month more than a deputy.

Also:

H. 721. Relating to Winston County; providing for purging the lists of registered voters; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Also:

H. 840. To amend Section 8 of Act 2431, H. 2569, 1971 Regular Session (Acts of 1971, p. 3880), as amended, by Act 97, H. 433, 1973 Regular Session (Acts of 1973, p. 123).

Also:

H. 714. Proposing an Amendment to the Constitution of 1901 relating to the City of Alabaster in Shelby County; authorizing the municipal governing body to levy an additional ad valorem tax.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 194. DESIGNATING THAT PORTION OF ALABAMA HIGHWAY 9, BETWEEN ITS JUNCTION WITH U.S. 231 AT WETUMPKA IN ELMORE COUNTY TO ITS JUNCTION WITH U.S. 280 AT SOCAPATTOY IN COOSA COUNTY, AS THE "OLD CENTRAL PLANK ROAD."

Also:

H. J. R. 239. MOURNING THE DEATH OF FORMER WORLD HEAVYWEIGHT CHAMPION, JOE LOUIS.

Also:

H. J. R. 243. EXPRESSING ALABAMA'S TREMENDOUS PRIDE IN THE SUCCESSFUL FLIGHT OF COLUMBIA AND COMMENDING ITS CREW AND NASA.

Also:

H. J. R. 244. MOURNING THE DEATH OF MRS. BESSIE PEARL STAR KEY OF FLORENCE, ALABAMA.

Also:

H. J. R. 247. COMMENDING STATE EMPLOYEES FOR THEIR LOYAL SERVICE.

Also:

H. J. R. 252. COMMENDING MR. HENRY LEGRONE FOR OUTSTANDING SERVICE IN SCOUTING.

Also:

H. J. R. 254. CREATING A CONTINUING SELECT JOINT NUCLEAR ENERGY ACTIVITIES AND HAZARDOUS CHEMICAL TOXIC WASTE OVERSIGHT COMMITTEE.

Also:

H. J. R. 255. APPROPRIATING FUNDS TO THE CONTINUING SELECT JOINT COMMITTEE TO STUDY THE RISING COST TO THE STATE OF THE MEDICAID PROGRAMS ESTABLISHED BY ACT NO. 79-816 OF THE 1979 REGULAR SESSION OF THE LEGISLATURE.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 630 RESUMED

AMENDMENT OFFERED

Rep. Lewis offered the following amendment to the bill, H. 630 as amended:

On page 115, on lines 5, 7 and 9 delete the number "2,000" and insert in lieu thereof the following and adjust totals accordingly:

750

On page 44, on lines 17 and 25 delete the figures "1,193,100" and insert in lieu thereof and adjust the totals accordingly:

977,400

On page 44, on line 19, delete the number "1,056,995" and insert in lieu thereof the following and adjust totals accordingly:

841,295

On page 44, on line 32 and on page 45 on line 12, delete the figure "194,000" and substitute in lieu thereof the following and adjust the totals accordingly:

150,000

On page 45, on line 4, delete the figure "178,609" and substitute in lieu thereof:

134,609

On page 61, line 5, delete the figure "4,104,989" and insert in lieu thereof the following and adjust the figures accordingly:

3,583,482

On page 61, line 6, delete the figure "923,491" and insert in lieu thereof the following and adjust the totals accordingly:

595,132

On page 65, on lines 6 and 21 delete the figures "5,241,885" and insert in lieu thereof the following and adjust the totals accordingly:

4,057,946

On page 65, on line 12, delete the figure "3,250,800" and insert in lieu thereof the following and adjust the figures accordingly:

2,066,861

AMENDMENT TABLED

On motion of Rep. Owens, the amendment offered by Rep. Lewis to the bill, H. 630 as amended, was tabled.

Yeas 48; Nays 29.

Yeas:

Mr. Speaker, Adams (H), Amari, Barton, Bennett, Cabaniss, Campbell, Carter, Cates, Clark (G), Cooley, Dial, Drinkard, Edwards, Greer, Grimsley, Grouby, Harvey, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Letson, McMillan, Minus, Mitchell, Moore, Owens, Parker, Patton, Pegues Penry, Ray, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Turner, Venable, Waggoner, Ward, Warren and Zoghby.

—48

Nays:

Reps.: Albright, Blake, Bowling, Brakefield, Carothers, Cheatwood, Clark (W), Cosby, Daniels, Dixon, Gilmer, Hall, Harper (O), Holley, Holmes, Horn, Howard, Langford, Lewis, McKee, Naramore, Nevett, Olive, Rains, Trammell, Tucker, Whatley, Williams and Wyatt.

—29

AMENDMENT OFFERED

Rep. Stout offered the following amendment to the bill, H. 630 as amended:

On page 99 after line 7 add the following:

The appropriation for the regional planning commission shall be prorated among each regional planning commission as its ratio of population bears to the total population of all the regional planning commissions.

AMENDMENT TABLED

On motion of Rep. Owens, the amendment offered by Rep. Stout to the bill, H. 630 as amended, was tabled.

Yeas 39; Nays 33.

Yeas:

Mr. Speaker, Adams (H), Barton, Bennett, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Cosby, Dial, Drinkard, Edwards, Gafford, Grimsley, Grouby, Landford, McKee, McMillan, Manley, Minus, Olive, Owens, Parker, Pegues, Sandusky, Sasser, Shoemaker, Stewart, Turner, Turnham, Venable, Waggoner, Ward, Whatley, Williams Wyatt and Zoghby.

—39

Nays:

Reps.: Albright, Blake, Bowling, Brakefield, Cheatwood, Coburn, Cooley, Daniels, Dixon, Gilmer, Hall, Holley, Holmes, Horn, Johnson (Roy), Letson, Lewis, Mitchell, Naramore, Nevett, Patton, Penry, Rains, Ray, Riddick, Roberts, Seibels, Shavers, Smith (C), Smith (J), Smith (M), Stout and Warren.

—33

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 115. To propose and provide for the submission of an amendment to Section 110 of the Constitution of Alabama of 1901; which Section defines general, local and special or private laws; to validate and confirm Act 79-263 (House Bill No. 68) which Act establishes eight classes of municipalities and each and every act enacted which refers or relates to a class of municipalities established under the provisions of Act No. 79-263.

Also:

H. 426. To amend §33-5-17, Code of Alabama 1975, so as to increase boat registration fees.

Also:

H. 356. Relating to the Twenty-seventy Judicial Circuit; to provide an expense and automobile allowance of \$300.00 per month to the District Attorney of said Judicial Circuit.

McDOWELL LEE,
Secretary.

H. 630 RESUMED

And the bill, H. 630 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 92; Nays 8.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Horn, Howard, Jackson, Johnson (R. G.), Kelley, Kennedy, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—92

Nays:

Reps.: Cheatwood, Daniels, Holley, Holmes, Johnson (Roy), Langford, Smith (C) and Wyatt.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 228. SETTING MEETING DAYS OF THE LEGISLATURE.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Manley, the House concurred in and adopted the Senate amendment to the resolution, H. J. R. 228, said amendment being as follows:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when we adjourn today, Wednesday, April 8, we adjourn to meet again on Tuesday, April 14; when we adjourn on Tuesday, April 14, we adjourn to meet again on Thursday, April 16; when we adjourn on Thursday, April 16, we adjourn to meet again on Tuesday, April 21; when we adjourn on Tuesday, April 21, we adjourn to meet again on Wednesday, April 22; when we adjourn on Wednesday, April 22, we adjourn to meet again on Thursday, April 23; all dates hereinabove stated being in the year 1981.

RESOLUTION ADOPTED

And the resolution, H. J. R. 228 as amended, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. Pearson:

S. J. R. 144. HONORING DR. EMMA MILLS CLEMENT WALKER OF BIRMINGHAM, ALABAMA.

Also:

By Mr. Pearson:

S. J. R. 142. HONORING DR. SAUNDERS EARL WALKER, PROFESSOR OF ENGLISH AND SPEECH, MILES COLLEGE, BIRMINGHAM, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Horn, the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 144 and S. J. R. 142, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. White:

S. J. R. 139. COMMENDING PRESIDENT RONALD REAGAN FOR HIS PRESIDENTIAL PARDON OF W. MARK FELT AND EDWARD S. MILLER.

WHEREAS, inconceivably to the members of this body and to all loyal Americans, former F.B.I. agents, W. Mark Felt and Edward S. Miller, were convicted in 1980 on charges of conspiring to violate civil rights; and

WHEREAS, in fact, agents Felt and Miller clearly acted in the best interest of our country in authorizing warrantless searches of the homes of members, supporters and relatives of the Weather Underground Organization, a group of radical terrorists responsible for over fifty bombings including bombings of the United States Capitol Building, the Pentagon and the State Department; and

WHEREAS, terrorists of the WUO were known to have worked in close collaboration with Cuba, North Vietnam and the Viet Cong and these radicals also were known to have been trained in guerilla tactics in Cuba by those under direct control of the Soviet KGB; and

WHEREAS, as a result of delays on the part of our government, it was several years, from indictment, before Agents Felt and Miller were found "guilty"; this long ordeal resulted in legal costs in excess of one million dollars for the defendants and it cost the American taxpayers an estimated \$30 million; and

WHEREAS, it is extremely doubtful that two loyal Americans, such as Mr. Felt and Mr. Miller, would have ever been found guilty had it not been for judicial error in charging and instructing the jury under regulations promulgated in 1976 and 1980 for action undertaken in 1972 and 1973 and in accordance with accepted procedures at that time; and

WHEREAS, our hearts have at last been gladdened and filled with pride by the action of our President on March 26, 1981, who granted unconditional pardon to two Americans who, for decades, faithfully served and defended our nation against attack from within by those who would destroy our freedom and even our very lives; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That hereby, in gratitude and jubilation, we most highly commend our President of the United States, Ronald Reagan, for his Presidential Pardon of W. Mark Felt and Edward S. Miller.

BE IT FURTHER RESOLVED, That the Secretary of the Senate is directed to notify President Reagan, by copy of this resolution, of the Alabama Legislature's sincere praise and heartfelt concurrence in his courageous and patriotic decision.

McDOWELL LEE.
Secretary.

SENATE MESSAGE

On motion of Rep. Bennett, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 139, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE HOUSE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Mitchem:

S. J. R. 134. DECLARING THE WEEK OF MAY 31 - JUNE 6, 1981 ALABAMA POULTRY WEEK.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Manley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 134, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs.: Little, Higginbotham, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Hilliard, Holmes, Keener, Kirkland, Lemaster, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White:

S. J. R. 133. MOURNING THE DEATH OF ALABAMA NATIVE AND WORLD HEAVYWEIGHT BOXING CHAMPION, JOE LOUIS.

WHEREAS, on April 12, 1981, our nation was united in its grief in the loss of Alabama native Joe Louis who died in Las Vegas, Nevada, at the age of 66: and

WHEREAS, born Joseph Louis Barrow near Lafayette in Chambers County, Alabama, and where he spent his early childhood, Joe Louis moved with his family at the age of six to Detroit, Michigan; and

WHEREAS, during his boxing career, which spanned some 17 years, Joe Louis compiled a phenomenal record of 68 wins out of 71 professional bouts and first won the Heavyweight Title by a knockout in 1937 against James J. Braddock; and

WHEREAS, Joe Louis was to successfully defend his title 25 times to remain World Champion some twelve years; and

WHEREAS, once and first beaten in the ring by Max Schmeling of Hitler's Nazi Germany, prior to the 1937 Championship, Joe Louis had his revenge in 1938 in a one-round knockout of Schmeling and of the Furher's emblem of Aryan supremacy; and

WHEREAS, not only did Joe Louis carve for himself a place of prominence in the annals of boxing, but also in the hearts of all Americans and the words; humble in his greatness, he was greatly admired, greatly loved and affectionately known to the world as the "Brown Bomber"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Joseph Louis Barrow, champion in the ring and in his own right as a kind and honorable man and as a truly great American.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his wife, Mrs. Martha Louis, that she and other family members may know that theirs is a great sorrow shared by all Alabama, our nation and the world.

McDOWELL LEE.
Secretary.

SENATE MESSAGE

On motion of Rep. Manley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 133, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Kirkland:

S. J. R.137. MEMORIALIZING CONGRESS AND THE SMALL BUSINESS ADMINISTRATION TO KEEP THE PROMISES MADE TO ALABAMA FARMERS IN REGARD TO LOANS PROMISED DURING THE DISASTER CROP YEAR OF 1980.

WHEREAS, the crop year of 1980 was so bad in Alabama due to drought conditions that portions of Alabama were declared a disaster area and farmers were thereby entitled to low interest loans because of their financial shape; and

WHEREAS, many farmers throughout the State remain in serious financial condition because of their losses during the crop year 1980; and

WHEREAS, many of these farmers arranged their business and financial affairs based on promises of the Small Business Administration that they were entitled to receive low interest loans due to their crop losses during 1980; and

WHEREAS, many farmers have had their paper work approved for these loans; and

WHEREAS, these farmers are now being informed by the Small Business Administration acting under Reagan administration policies that they will not now be granted these loans; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do memorialize the Reagan administration, the United States Congress and the Small Business Administration that they are honor bound to live up to the promises made to Alabama farmers who were promised low interest loans because of the disastrous crop year of 1980.

BE IT FURTHER RESOLVED, That copies of this resolution be sent by the Secretary of the Senate to the head of the Small Business Administration and the Alabama Congressional Delegation, as well as President Reagan in Washington, D.C.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Manley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 137, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Weeks:

S. J. R. 146. SUPPORTING THE PROPOSED COORDINATED TECHNOLOGY PROJECT OF OCAP, INC.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 146, the title of which is set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment.

By Mr. Hall (With Notice and Proof):

S. 509. Relating to Blount County; providing for the method of electing the county superintendent of education.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 509 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO 919.

McDOWELL LEE, SECRETARY

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 509. Local Legislation No. 1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Harrison:

S. 61. To amend the title and sections 1, 2, 6 and 7 of Act No. 80-739, S. 403, of the 1980 Regular Session now appearing as sections 40-17-160 through 40-17-166 of the Code of Alabama 1975 relating to the use of liquefied petroleum gas in certain motor vehicles, so as to provide further for the use of liquefied petroleum gas and natural gas in such vehicles, provide further for decals to be placed on such vehicles, provide certain exemptions from taxation of such gas, and to provide further for penalties for the violation of the provisions of the act.

Also:

By Mr. Keener:

S. 62. To amend Section 37-1-66 relating to the powers of members of the Enforcement Division of the Public Service Commission.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 61. Ways and Means.

S. 62. State Administration.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Daniels, Laird, Penry, Whatley and Boles:

H. R. 258. TO INSTRUCT THE SUNSET COMMITTEE TO REVIEW THE DEPARTMENT OF PUBLIC HEALTH.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, That pursuant to Section 41-20-3, Code of Alabama 1975, as amended by Act 81-61, Regular Session 1981, the House of Representatives hereby instructs the sunset committee to review the Department of Public Health and each division, subdivision, board or bureau thereof.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Chairman of the Sunset Committee.

On motion of Rep. Daniels, the rules were suspended and the resolution, H. R. 258, was adopted.

Also:

By Rep. Owens:

H. J. R. 259. COMMENDING OUR STATE EMPLOYEES FOR THEIR CONTINUING DEDICATED SERVICE TO STATE GOVERNMENT.

WHEREAS, our state employees perform innumerable vital and necessary services for the general public of the State of Alabama; and

WHEREAS, a staggering amount of work is routinely and skillfully processed on a daily basis by state employees who conscientiously and consistently discharge their duties and responsibilities in a professional and competent manner; and

WHEREAS, the quality of these services has never been compromised, regardless of circumstances, as our state employees take great pride in their performance on the job; and

WHEREAS, in recent weeks there have been regrettable misunderstandings concerning a number of executive and legislative proposals that might well have an effect on the compensation and benefits of state employees; and

WHEREAS, morale among state employees has understandably been low in recent weeks due to a preponderance of rumors throughout this legislative session; and

WHEREAS, the vast majority of state employees have maintained their composure and have in no way allowed such rumors to adversely affect their productivity; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the state employees of Alabama are hereby commended for their continuing dedicated service to state government; we stand in tribute to their loyalty, in praise of their perseverance, and express our heartfelt gratitude for their labors on behalf of the State of Alabama and its citizens.

The resolution, H. J. R. 259, was read and referred to the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 356. Relating to the Twenty-seventh Judicial Circuit; to provide an expense and automobile allowance of \$300.00 per month to the District Attorney of said Judicial Circuit.

Also:

H. 426. To amend §33-5-17, Code of Alabama 1975, so as to increase boat registration fees.

Also:

H. 115. To propose and provide for the submission of an amendment to Section 110 of the Constitution of Alabama of 1901; which Section defines general, local and special or private laws; to validate and confirm Act 79-263 (House Bill No. 68) which Act established eight classes of municipalities and each and every act enacted which refers or relates to a class of municipalities established under the provisions of Act No. 79-263.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILLS

The speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 12:15 P.M. on April 16, 1981.

H. 32

H. 331

Delivered to the Governor at 3:05 P.M. on April 16, 1981.

H. 648

H. 649

H. 650

H. 721

H. 840

H. J. R. 194

H. J. R. 239

H. J. R. 243

H. J. R. 244

H. J. R. 247

H. J. R. 252

H. J. R. 254

H. J. R. 255

H. 356

H. 426

Delivered to the Secretary of State at 3:20 P.M. on April 16, 1981.

H. 714 (Constitutional Amendment)

H. 115 (Constitutional Amendment)

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Manley and pursuant to the resolution, H. R. 245, heretofore adopted, the House adjourned until 1:00 o'clock p.m., Tuesday, April 21, 1981.

Yeas 47; Nays 23.

Yeas:

Reps.: Adams (C), Barton, Blake, Brakefield, Campbell, Carothers, Clark (G), Cooley, Cosby, Crow, Dial, Edwards, Gafford, Grimsley, Grouby, Harper (O), Harvey, Holley, Johnson (R. G.), Kelley, Laird, McKee, Manley, Minus, Moore, Nevett, Olive, Parker, Pegues, Rains, Ray, Riddick, Roberts, Shoemaker, Smith (C), Stewart, Stout, Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis and Zoghby.

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Nays:

Mr. Speaker, Albright, Amari, Bedsole, Bennett, Bowling, Buskey, Cabaniss, Carter, Clark (W), Daniels, Dixon, Escott, Gilmer, Hall, Hammett, Harper (T), Holmes, Johnson (Roy), Kennedy, Langford, Letson, Lewis, McMillan, Payne, Penry, Reed, Seibels, Shavers, Smith (M), Starkey and Waggoner.

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TWENTY-FIRST DAY

House of Representatives
Montgomery, Alabama
Tuesday, April 21, 1981

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Mr. Colin McKee, Minister, Capitol Heights Church of Christ, Montgomery.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues,

Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twentieth legislative day and finds the same to be correct.

JACK BIDDLE, III,
Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the twentieth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twentieth legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Manley, leave of absence was granted for Rep. Hines due to illness.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Manley:

H. R. 260. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn today, Tuesday, April 21, 1981, we adjourn to meet again on Wednesday, April 22, 1981, at 1:00 P. M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 260, was adopted.

Also:

By Rep. Manley:

H. J. R. 261. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when we adjourn on Thursday, April 23, we adjourn to meet again on Tuesday, April 28; when we adjourn on Tuesday, April 28, we adjourn to meet again on Wednesday, April 29; when we adjourn on Wednesday, April 29, we adjourn to meet again on Thursday, April 30, all dates heretofore stated being in the year 1981.

On motion of Rep. Manley, the rules were suspended and the resolution, H. J. R. 261, was adopted.

Also:

By Reps. McCorquodale and Manley:

H. J. R. 262. EXTENDING BEST WISHES TO MISS ANNE ELIZABETH CAMPBELL AND MR. HAROLD WILLIAM BLOOM, JR.

WHEREAS, it is with extreme pleasure that the Legislature of Alabama notes the forthcoming marriage, on April 25, 1981, of Miss Anne Elizabeth Campbell to Mr. Harold William Bloom, Jr.; and

WHEREAS, Miss Campbell, who is a graduate of the University of Alabama with a Master's Degree in Finance, was a member of ODK, Mortar Board, the Anderson Society, member and treasurer of Alpha Gamma Delta Sorority, vice president of the Association of Women Students and a member of the Triangle Society; she also was an Entrepreneurial Scholar and was listed in Who's Who in American Colleges and Universities; and

WHEREAS, Mr. Bloom, a Livingston University graduate, also was responsibly involved in collegiate affairs as treasurer of S.G.A., vice president of the Inter-Fraternity Council and as president of Delta Phi Beta Honorary, Pi Kappa Phi Fraternity, Livingston University Young Democrats and the Collegiate Civitans; and

WHEREAS, he has further served, since graduation, as secretary-treasurer of the Demopolis Industrial Development Board, on the Board of Trustees of C.C.E.A.A., the Board of Directors of the Demopolis Jaycees, the Executive Committee of the Alabama Jaycees and as president of the Livingston University National Alumni Association; he was a 1973 selection of Outstanding Young Men in America, is listed in Who's Who in the South and Southeast and is a Montgomery Rotarian; and

WHEREAS, the happiness we share with this fine young couple is indeed personal in its pleasure as Hal Bloom is a longtime friend of the members of the Legislature through association during his former tenure of some five years as Executive Assistant to House Speaker Joe C. McCorquodale; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend best wishes to our friends, Anne Elizabeth Campbell and Hal Bloom; we sincerely wish them much happiness in the years ahead and direct that they receive a copy of this resolution in token of our affection and warm personal regards.

On motion of Rep. Manley, the rules were suspended and the resolution, H. J. R. 262, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Pegues:

H. R. 263. MOURNING THE DEATH OF COLONEL PAUL B. ROBINSON, OUTSTANDING EDUCATOR AND PAST PRESIDENT OF THE MARION INSTITUTE, MARION, ALABAMA.

Also:

The following resolution was introduced:

By Reps. McCorquodale, Mitchell, Barton and Smith (C):

H. J. R. 264. HONORING MR. TOM JOINER FOR EXTRAORDINARY SERVICE WITH THE GEOLOGICAL SURVEY OF ALABAMA SINCE 1961.

WHEREAS, since 1961 Mr. Thomas J. Joiner has been associated with the Geological Survey of Alabama, first joining the staff as Chief of the Paleontology, Stratigraphy and Geophysics Division, later to be named assistant state geologist, a position he held for eight years; and

WHEREAS, Mr. Joiner, for the past six years, has rendered extraordinary service to the State of Alabama in his capacity as State Geologist and in which post he has become noted for administrative excellence in directing the numerous programs of the Survey; and

WHEREAS, in addition to his weighty responsibilities as State Geologist, Mr. Joiner has served as a member of the Outer Continental Shelf Policy Advisory Committee of the United States, Department of the Interior; he further has served on numerous other boards and committees, both within and outside our state, enhancing the prestige of the Geological Survey of Alabama and the State Oil and Gas Board which he also supervises; and

WHEREAS, effective April 30, 1981, Mr. Joiner will be leaving his state posts to accept a position in private enterprise, related to his field in which he is an acknowledged expert; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Mr. Thomas J. Joiner for outstanding service to the State of Alabama and wish him every future success in his endeavors.

BE IT FURTHER RESOLVED, That Mr. Joiner receive a copy of this resolution in token of our sincere gratitude and also that he may know of our warm best wishes for continuing success.

On motion of Rep. Mitchell, the rules were suspended and the resolution, H. J. R. 264, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 228. Relative to Legislative meeting dates from Wednesday, April 8 through Thursday, April 23, 1981.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Biddle, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolutions and ordered same returned to the House with a favorable report:

H. J. R. 253. COMMENDING FORMER PROBATE JUDGE J. B. TOLAND AND CLAY COUNTY COMMISSIONERS JORDAN, DENNY, CATCHINGS AND BROOKS.

On motion of Rep. Biddle, the resolution, H. J. R. 253, was adopted.

Also:

H. J. R. 259. COMMENDING OUR STATE EMPLOYEES FOR THEIR CONTINUING DEDICATED SERVICE TO STATE GOVERNMENT.

On motion of Rep. Owens, the resolution, H. J. R. 259, was adopted.

Also:

On motion of Rep. Biddle, the resolution, H. J. R. 257, was temporarily postponed.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 265. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special, paramount and continuing order of business April 21, 1981, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

By Rep. Mitchell:

H. 734. p. 91 Funeral Services Board

By Mr. Adams (H):

H. 487 P. 31 Chert pits

By Rep. Sandusky:

H. 419 p. 120 Highway Dept., markers and signs

By Rep. Sandusky:

H. 442 p. 120 Highway Dept. commercial activity

By Rep. Gafford:

H. 855 p. 124 Optional retirement

By Rep. Pearson:

S. 104 p. 84 Competetive bids

By Mr. Pearson:

S. 105 p. 13S Competetive bids

By Rep. Minus:

H. 737 p. 113 Savings and Loans

By Rep. Owens:

H. 153 p. 24 Election state employees, personnel board

By Mr. Holmes:

S. 60 p. 67 Voluntary prayer in public schools

By Mr. Denton:

S. 143 p. 93 Boundary limits, municipalities

By Rep. Waggoner:

H. 810 p. 9S Mortgage tax

By Rep. Lewis:

H. 274 p. 51 State Tenure Commission

By Mr. Mitchem:

S. 219 p. 83 Trials

By Rep. Waggoner:

H. 584 p. 125 Security guards

By Rep. Smith (J):

H. 369 p. 15 County governing bodies

By Rep. Payne:

H. 406 p. 61 Hand guns

By Rep. Harper (T):

H. 411 p. 55 Commercial oyster licenses

By Rep. Harper (T):

H. 624 p. 116 Saltwater gill and trammel net fees

By Rep. Harper (T):

H. 625 p. 116 Live bait shrimp dealers

By Rep. Penry:

H. 637 p. 114 Commercial crab catcher's license

By Rep. Penry:

H. 638 p. 115 Single seafood business license

By Rep. Blake:

H. 210 p. 5 Wire fish baskets

By Mr. Teague:

S.109 p. 78 Slat boxes, commercial fishing

By Rep. Clark (G):

H. 380 p. 57 Levelized beer tax

By Rep. Biddle:

H. 500 p. 94 Driving right side of roadway

By Rep. Parker:

H. 646 p. 67 Barbers Board

By Rep. Mitchell:

H. 916 p. 14S Claims, not of equitable nature

By Rep. Barton:

H. 741 p. 86 Lounge retail liquor license

By Rep. Zoghby:

H. 347 p. 18 Hearing dogs

By Rep. Edwards:

H. 157 p. 3 Widows or dependents of veterans

By Mr. Teague:

S. 195 p. 127 Motor buses

By Rep. Cates:

H. 529 p. 44 Credit unions

By Rep. Sasser:

H. 604 p. 6S Additional judgeship

By Rep. Cobb:

H. 479 p. 88 Public hospitals

By Rep. Gregg:

H. 806 p. 121 Referendum

By Rep. Starkey:

H. 699 p. 88 Contractors

By Rep. Hammett:

H. 2 p. 105 Educational T.V., merit system

By Rep. Stout:

H. 769 p. 129 Synfuel development

By Rep. Boles:

H. 459 p. 72 Hazardous waste

By Rep. Bedsole:

H. 514 p. 64 Vehicles, parking violations

By Rep. Ward:

H. 554 p. 52 Manufactured buildings

By Rep. Edwards:

H. 156 p. 8 City or town officials

By Rep. Clark (G):

H. 418 p. 23 Lapsed life insurance policies

By Rep. Amari:

H. 160 p. 99 self insurance, liability

By Rep. Dial:

H. 391 p. 48 Reflective markers

By Rep. Letson:

H. 63 p. 4 Commercial fertilizer

By Rep. Letson:

H. 65 p. 4 Warehouse fees

By Rep. Hall:

H. 111 p. 94 Casting lights, nights

By Rep. Naramore:

H. 180 p. 13 Liquefied Petroleum Gas Board

By Rep. Dixon:

H. 192 p. 19 Oncology

By Rep. Bennett:

H. 205 p. 3 Reporting period

By Rep. Whatley:

H. 794 p. 114 Dept. of Agriculture

By Rep. Sasser:

H. 640 p. 97 Warrants, rates

By Rep. Gafford:

H. 763 p. 82 Divorce, Right to Privacy

By Rep. Owens:

H. 330 p. 58 Additional fees, courts

By Rep. Dial:

H. 58 p. 12 National Guard

On motion of Rep. Biddle, the resolution, H. R. 265, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 81. To amend Section 27-29-2, Code of Alabama 1975 (as amended Act Number 80-199, Acts of Alabama 1980), which provides for investments in subsidiaries and affiliates of domestic insurance companies.

McDOWELL LEE,
Secretary.

BILLS ON SECOND READING

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session and acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 906. Relating to Tallapoosa County; providing for an additional allowance for election officials who work at polling places.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2 reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 907. (With Amendments): To approve and authorize the Jefferson County Commission of Jefferson County to increase the rate at which ad valorem taxes are levied in the Jefferson County School District for public school purposes in the District, pursuant to the election in said District held on February 11, 1969, under the Jefferson County Consolidation School Tax Amendment of the Alabama Constitution (Amendment No. 82) from 88¢ to \$1.38 on each \$100 of taxable property in the Jefferson County School District (consisting of all areas of Jefferson County outside of the municipalities of Birmingham, Bessemer, Fairfield, Mountain Brook, Homewood, Vestavia Hills, Tarrant City, and Midfield), the proceeds of said tax to be used for public school purposes in said School District, and to continue each year to and including the tax year ending September 30, 1995; subject, however, to the approval of the qualified electors residing in said Jefferson County School District who vote on the proposal at a special election.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 942. To exempt the Birmingham-Jefferson County Transit Authority from the duty to pay state, county, and municipal taxes.

Rep. Wyatt, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 878. To amend Sections 3.02, 3.05, 3.12, 3.15 and 4.04 of Act 618, H. 796, 1973 Regular Session of the Legislature (Acts 1973, p. 879), relating to the Mayor-Council form of government in cities with a population of not less than 70,000 nor more than 135,000 inhabitants according to the 1970 or any subsequent federal decennial census, so as to further provide for the Council of such cities to set per diem allowances, salaries, or expense allowances (with certain limitations); to require persons seeking council seats to pay a certain qualifying fee or submit a petition containing a minimum

number of signatures of registered voters; to allow the Council to set its meeting days; and to further provide for the salary of the Mayor (with certain limitations).

H. 880. To reopen the Montgomery County employees' retirement system for prior service credit for certain employees of Montgomery County who did not become members of said system on the last date of effective participation for such employees; to provide that as prerequisites to such credit, members must make certain contributions therefor and must be contributing members of said retirement system in the active service of Montgomery County, the employer for whom such prior service was rendered and to provide that Montgomery County shall pay such employers costs as are necessary with respect to its employees subject to this act.

H. 913. Relating to Montgomery County; providing for the compensation of the sheriff.

Rep. Wyatt, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 911. (With Amendments): To provide that the operation of bingo games for prizes or money only by qualified organizations for bona fide charitable, educational, or other lawful purposes shall be legal in Montgomery County; to provide for permits or licenses, applications, forms and contents to operate bingo, to provide for special permits or licenses, to prohibit certain activities and impose special requirements; to provide for fees and expenses; to provide for the disposition of proceeds; to provide for the operation of bingo; to provide for the keeping of records and their inspection; to provide for the issuance and revocation of permits or licenses; to provide for supervision by the circuit court; to provide for certain powers and duties of the sheriff; to provide for penalties and forfeitures, and to provide that this act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing bingo in Montgomery County, and approved at a referendum on the subject in the county; provided, however, if said amendment is approved by a majority of the voters casting ballots thereon in Montgomery County, no further referendum is needed.

Rep. Wyatt, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 912. Proposing an amendment to the Constitution of 1901; relating to legalizing the operation of bingo games for prizes or money by certain non-profit organizations for charitable or educational purposes in Montgomery County.

The above bill was read a second time at length as required by the Constitution.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Turnham:

H. R. 266. COMMENDING MR. CLAUDE SAIA AND MISS SUSAN NUNNELLY FOR THEIR LEADERSHIP IN THE RECREATIONAL AND INTRAMURAL PROGRAMS AT AUBURN UNIVERSITY.

Also:

The following resolutions were introduced:

By Reps. Manley, Roberts, Rains, Adams (H), Bennett, Bowling, Brakefield, Carothers, Carter, Crow, Dial, Drinkard, Gilmer, Grimsley, Grouby, Harper (O), Harvey, Naramore, Olive, Payne, Penry, Ray, Reed, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Trammell and Williams:

H. J. R. 267. HONORING THE UNITED STATES MARINE CORPS AND ALL THOSE WHO HAVE SERVED IN ITS CAUSE OF FREEDOM.

WHEREAS, the United States of America is a union dedicated to the common goal of freedom at home and abroad; and

WHEREAS, the United States Marine Corps has, for 205 years, been a significant force in the struggle toward the realization of that common goal; and

WHEREAS, the State of Alabama has had thousands of its sons and daughters serve through the years in both the Regular and Reserve components of the United States Marine Corps; and

WHEREAS, in war and peace these men and women have duly earned the title "UNITED STATES MARINE"—a title synonymous with duty, honor and country, symbolized by their motto "Semper Fidelis" (Always Faithful); and

WHEREAS, April 20-22, 1981, the 4th Marine Air Wing Band will be participating in concerts across the State of Alabama in commemoration of the United States Marine Corps Regular and Reserve Forces; and

WHEREAS, it is altogether fitting and proper that we honor the United States Marine Corps and all Marines who have served during its long and illustrious history; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we stand in tribute to the United States Marine Corps and in honor of those men and women who have served in the Corps to preserve the freedom and peace of our great nation.

BE IF FURTHER RESOLVED, That the Clerk of the House is directed to prepare copies of this resolution for presentation to the Director of the 4th Marine Air Wing Band and to the Inspector-Instructor of Detachment L Company, 3rd Battalion, 23rd Marines, 4th Marine Division, Montgomery, Alabama.

On motion of Rep. Manley, the rules were suspended and the resolution, H. J. R. 267, was adopted.

Also:

By Rep. Albright:

H. J. R. 268. CREATING THE LEGISLATIVE JOINT INTERIM VOCATIONAL INSTITUTIONS STUDY COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a legislative joint interim committee to study vocational institutions which receive state money. Said committee shall be composed of three members of the House of Representatives and three members of the Senate to be appointed by the respective presiding officer of each body. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall adopt all necessary rules of procedure.

Said committee shall:

1. Examine encumbered or reserved and unencumbered or unreserved funds affecting said vocational institutions,
2. examine capital outlay funds, practices and procedures affecting said vocational institutions,
3. review operations and maintenance funds, practices and powers affecting said vocational institutions,
4. review investment policies, procedures and performance affecting said vocational institutions,
5. review purchasing practices and procedures affecting said vocational institutions,
6. examine expenditures on non-academic functions by said vocational institutions, and
7. review fiscal policies and procedures of said vocational institutions.

The committee shall have subpoena powers and the power to punish for contempt.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide clerical assistance as may be necessary for the committee's work. Additional assistance shall be provided by the Legislative Reference Service, the Legislative Fiscal Office, the Department of the Examiners of Public Accounts, the Vocational Study Committee or any other public board, commission, committee or agency.

Said committee shall report its findings, conclusions and recommendations to the legislature not later than the 10th legislative day of the next regular session, at which time the committee shall be abolished.

Each member of the committee shall be entitled to his regular legislative compensation, his per diem, mileage and travel expenses for each committee meeting attended. Said money shall be paid out of any fund appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman. Provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session, but they shall receive their travel expenses for all meetings attended and for any travel upon the business of the committee.

The total expenses of the committee shall not exceed \$12,000.

MOTION TO SUSPEND RULES AND ADOPT LOST

The motion offered by Rep. Albright to suspend the rules and adopt the resolution, H. J. R. 268, was lost lacking a four-fifths vote.

Yeas 20; Nays 14.

Yeas:

Reps. Albright, Bowling, Buskey, Clark (W), Coburn, Greer, Hall, Harrison, Horn, Johnson (R. G.), Letson, Nevett, Payne, Rains, Reed, Smith (C), Trammell, Tucker, Turnham and Wyatt.

—20

Nays:

Mr. Speaker, Adams (C), Barton, Dial, Dixon, Harper (O), Harvey, McKee, Manley, Ray, Shoemaker, Starkey, Venable and Willis.

—14

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The resolution, H. J. R. 268, was read and referred to the Standing Committee on Rules.

Also:

By Reps. Wyatt, Venable and Cates:

H. J. R. 269. WHEREAS, it has come to the attention of the Legislature that the pay and classification study for state employees has been completed; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that there is hereby established a joint legislative committee to conduct public hearing and make such other investigation and study as it deems necessary of the pay and classification study for state merit system employees. Such committee shall consist of eight members of the legislature, four of whom shall be Senators appointed by the Lieutenant Governor and four of whom shall be Representatives appointed by the Speaker of the House. The committee shall meet as soon as practicable after the adoption of this resolution and shall select from among its members a chairman. Thereafter the committee shall meet upon call of the Chairman. The committee shall conduct a public hearing on the proposed new pay and classification plans and after its deliberations shall make a report to the Governor and the Legislature on the adoption of the proposed pay and classification study and any changes that it recommends.

The expenses shall not exceed \$7,000.00 and the Legislature will provide secretarial help.

MOTION TO SUSPEND RULES AND ADOPT LOST

The motion offered by Rep. Wyatt to suspend the rules and adopt the resolution, H. J. R. 269, was lost, lacking a four-fifths vote.

Yeas 30; Nays 17.

Yeas:

Reps. Barton, Buskey, Cates, Cheatwood, Clark (W), Crow, Dixon, Edwards, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harvey, Holley, Holmes,

Langford, McKee, Nevett, Penry, Rains, Ray, Reed, Sasser, Smith (C), Turner, Venable, Warren, Willis and Wyatt.

—30

Nays:

Mr. Speaker, Adams (H), Campbell, Clark (G), Cosby, Dial, Gafford, Gilmer, Johnson (R. G.), Lewis, Manley, Owens, Payne, Pegues, Shoemaker, Turnham and Whatley.

—17

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The resolution, H. J. R. 269, was read and referred to the Standing Committee on Rules.

Also:

By Rep. Stewart:

H. J. R. 270. TO CREATE A JOINT INTERIM COMMITTEE TO STUDY THE VALUE OF ALABAMA'S EXISTING INDUSTRY TO THE CONTINUED ECONOMIC GROWTH AND TO THE GENERAL WELFARE AND HAPPINESS OF ITS PEOPLE.

WHEREAS, the value of Alabama's existing industrial complex is often unappreciated in our continuing search for new manufacturing payrolls and other development projects; and

WHEREAS, Alabama's existing manufacturers, through their investments in land, buildings and equipment, through payrolls, purchases and taxes generated, contribute continuously to the well-being of the State's citizens and provide needed public services at all governmental levels; and

WHEREAS, it has been demonstrated many times that the State's existing facilities serve to attract new industry from outside its borders; and

WHEREAS, the announced capital investment for expanding industry has exceeded that of a new industry in every year but six since industrial development statistics were begun in 1947; and

WHEREAS, the announced capital investment for expanding industries has exceeded that of new industries in all but one year since 1955; and

WHEREAS, the progress of the State in expanding its industrial base has been enhanced by the cooperative efforts of the Alabama Development Office; and

WHEREAS, the expansion of an existing facility creating new jobs is just as valuable to a community as the acquisition of a new plant creating the same number of jobs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the maintenance of a good business climate is essential to the vitality and health of Alabama's existing industrial complex.

BE IT FURTHER RESOLVED, That the Alabama Legislature establish an interim committee to serve as a liaison with the State's existing industry officials in order that state government can be responsive to the particular needs and problems of the manufacturing segment of its economy. Said committee shall be composed of five members of the House and five members of the Senate.

Upon request of the committee, the Secretary of the Senate and the Clerk of the House shall provide clerical assistance as it may be necessary for the committee's work.

Said committee shall report its findings, conclusions and recommendations to the Legislature not later than the last day of the next Regular Session, at which time the committee shall be abolished.

Each member of the committee shall be entitled to his regular legislative compensation, his per diem, mileage and travel expenses for each committee meeting attended. Said money shall be paid out of any fund appropriated to the use of the Legislature, upon warrants drawn on the Senate Comptroller upon requisitions signed by the committee's Chairman. Provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session, but they shall receive their travel expenses for all meetings attended and for any travel upon the business of the committee.

The total expenses of the committee shall not exceed \$6,000.00.

MOTION TO SUSPEND RULES AND ADOPT LOST

The motion offered by Rep. Stewart to suspend the rules and adopt the resolution, H. J. R. 270, was lost.

The resolution, H. J. R. 270, was read and referred to the Standing Committee on Rules.

CO-SPONSORS ADDED

Reps. Clark (W), Gilmer, Grouby, Kennedy, Parker, Penry, Rains, Sandusky, Seibels, Smith (M), Whatley, Wyatt and Zoghby were added as co-sponsors to the resolution, H. J. R. 270.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 81. To amend Section 27-29-2, Code of Alabama 1975 (as amended Act Number 80-199, Acts of Alabama 1980), which provides for investments in subsidiaries and affiliates of domestic insurance companies.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTIONS

The following resolution was introduced:

By Reps. Greer, Coburn and Starkey:

H. J. R. 271. COMMENDING MISS PAMELA PHILLIPS FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, Miss Pamela Phillips of Lauderdale County High School has recently been named to the John Phillip Sousa National Honor Band, and will participate in the Washington, D. C. festivities commemorating the 100th anniversary of John Phillip Sousa's tenure as renowned Director of the United States Marine Corps Band; and

WHEREAS, Miss Phillips, the daughter of Mr. and Mrs. Roy Phillips of Rogersville, is a high school senior who is a seven-year participant in her school's band program and a member of the band for six years; and

WHEREAS, Pamela Phillips, an extraordinarily talented young musician, plays clarinet and also plays alto saxophone in her school's Stage Band; and

WHEREAS, it is indeed an honor for Pamela to be selected to the John Phillip Sousa National Honor Band which is composed of only one hundred students, nationwide, with only three participating from the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in personal pride in her accomplishment, we most highly commend and congratulate Miss Pamela Phillips as a member of the John Phillip Sousa National Honor Band.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Miss Phillips, with a copy also provided for Mr. Douglas Cantrell, Band Director, Lauderdale County High School.

On motion of Rep. Greer, the rules were suspended and the resolution, H. J. R. 271, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Rains:

H. R. 272. CONGRATULATING MR. AND MRS. BERT LACKEY ON THEIR 75TH WEDDING ANNIVERSARY.

Also:

By Rep. Rains:

H. R. 273. CONGRATULATING MR. AND MRS. VERBON W. MARTIN ON THEIR GOLDEN WEDDING ANNIVERSARY.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Naramore:

H. 953. To prohibit and provide penalties for criminal provocation.
Judiciary.

By Rep. Greer:

H. 954. Relating to the rules of the road; prescribing a certain fine for certain speeding violations on interstate highways and prohibiting such violations from being recorded on driving records.
Highway Safety.

By Rep. Smith (J) (With Notice and Proof):

H. 955. To amend Section 2 of Act No. 79-505 of the 1979 Regular Session of the Alabama Legislature which provides for an increase in compensation of certain county officials, in regard to the effective date of such increases.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 955, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Gafford:

H. 956. To amend Section 5-18-11 of the Code of Alabama 1975 relating to books, accounts and records of licensees under the Alabama Small Loan Act so as to provide further for annual reports of such licensees.

Banking.

By Rep. Pegues (With Notice and Proof):

H. 957. Relating to Perry County; to amend further Section 1 of Act No. 348, H. 868, Regular Session 1969 (Acts 1969, p. 720), relating to a clerk hire allowance and expenses of the tax assessor and tax collector, so as to provide for an additional clerk for the tax assessor.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 957, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Riddick (With Notice and Proof):

H. 958. Relating to Madison County, Alabama; providing further for the compensation of the members of the Madison County Board of Education.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 958, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Hall and Shavers (With Notice and Proof):

H. 959. Authorizing the Board of County Commissioners or like governing body of Jackson County, Alabama, to appropriate and pay county funds to volunteer nonprofit fire departments and volunteer nonprofit corporations or organizations, organized for the purpose of providing volunteer service in emergency situations arising in said Jackson County, for the purchase of equipment, materials and supplies.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 959, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Langford (With Notice and Proof):

H. 960. Relating to Montgomery County; to provide further for the expense allowances of certain county officers.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 960, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Clark (G):

H. 961. To make further provisions for the issuance of bonds by the Tombigbee Valley Development Authority by amending Section 33-17-12 of the Code of Alabama, 1975, so as to exempt all bonds issued by the Authority from certain laws of the State relating to usury.

By Rep. Clark (G):

Judiciary.

H. 962. To make further provisions for the issuance of bonds of the Tombigbee Valley Development Authority by amending Act No. 681, Page 930; Acts of Alabama, Regular Session of 1976, Volume II, so as to exempt all bonds issued by the Authority from certain laws of the State relating to usury.

Judiciary.

By Rep. Clark (G):

H. 963. To amend Section 15-22-32, Code of Alabama 1975, relating to the holding of parole courts by the board of pardons and paroles for alleged parole violations, so as to provide further for the holding of such parole courts.

State Administration.

By Rep. Clark (G):

H. 964. To amend Sections 12-16-58, 12-16-70, 12-16-74, 12-16-76, 12-16-100 to provide for the drawing, selecting, empaneling, and summoning

of juries in both civil and criminal cases; to provide a random selection formula for filling the master jury box; to abolish the requirements of a special venire and that excusals be heard in the presence of the defendant; to provide for a minimum number of qualified jurors from which to strike in criminal cases and to provide for the number of strikes available to the district attorney and the defendant; and further to provide for an optional combined qualification and summons process from the master list that, notwithstanding any provisions of Title 12, Section 16, Code of Alabama 1975, which eliminates the master jury box and modifies the juror qualification process; to provide for computerization of the selection process; and to repeal Sections 12-16-71, 12-16-75, 12-16-77, 12-16-79, 12-16-102, 12-16-120, 12-16-121, 12-16-122, 12-16-123, 12-16-124, 12-16-125, 12-16-126, and 12-16-127, Code of Alabama 1975.

Judiciary.

By Rep. Zoghby (With Notice and Proof):

H. 965. Relating to any Class 2 municipality; to provide for a form of government to be known as the district-commission form of municipal government; to provide for a referendum to determine if the electors desire to adopt this form of municipal government; to create and define the three districts; to define and prescribe the legal status and the governmental powers of any such municipality under the district-commission form of government; to provide as the governing body of any such municipality a city commission of three members and provide for their election and terms of office; to prescribe their authority, and also the functions, duties, powers and authority of the city commission as a body, and to prescribe rules and procedures for the enactment of ordinances; to provide for the election, appointment or designation of officers, officials, and employees of such municipality and for their qualifications, duties, functions, powers and authority; to provide for the control of finances of such municipality; to require an annual budget and provide for its preparation, submission, and adoption, and prescribe the effect thereof; to authorize the commission to establish and provide for divisions and departments of the municipal government; to create and define the powers, functions, duties, and authority of the department of finance and create the office of comptroller, prescribe the powers, duties, and authority of such comptroller and regulate purchases and contracts of such municipality; to provide for initially establishing and reapportioning the commission districts; to prescribe terms and effects of succession in the government of the municipality; to make various other provisions for such municipal government; to provide for the means of abandoning the district-commission form of government and the adoption by any such municipality of other forms of municipal government in lieu thereof; and to provide penalties for violation of certain provisions of this act.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 965, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Zoghby, Harper (T), Clark (W), Buskey and Kennedy (With Notice and Proof):

H. 966. Relating to Mobile County; requiring the members of the board of registrars to be available once every six months at each voting ward and/or precinct for the purpose of voter registration.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 966, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Zoghby:

H. 967. To repeal Act No. 653, H. 589, 1975 Regular Session (Acts 1975, p. 1410), which provides for voter registration in counties having populations of not less than 300,000 nor more than 600,000 according to the 1970 decennial census.

Local Legislation No. 3.

By Rep. Zoghby (With Notice and Proof):

H. 968. To amend the title and sections 1 and 2 of Act No. 80-648, H. 931, 1980 Regular Session (Acts 1980, p. 1235), which authorizes and makes provisions for the incorporation in any Class 1 municipality as so designated by section 11-40-12 of the Code of Alabama 1975 (being a city with a population of 300,000 or more inhabitants as certified by the 1970 federal decennial census) of Commercial Development Authorities for the purpose of promoting trade and commerce, so as also to provide for the incorporation of such authorities in any Class 2 municipality as so designated by section 11-40-12 of the Code of Alabama 1975 (being a city with a population of not less than 175,000 and not more than 299,999 inhabitants as certified by the 1970 federal decennial census) and/or any Class 3 municipality (being a city with a population of not less than 100,000 and not more than 174,999 inhabitants).

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 968, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Dial:

H. 969. To amend Act No. 81-139, as amended, which relates to levying finance charges on timber lands in Cleburne County for fire protection, so as to provide for its retroactive effect.

Local Legislation No. 1.

By Reps. Grouby and Edwards (With Notice and Proof):

H. 970. Relating to Lowndes County; fixing the fee for issuance of a pistol permit fee by the sheriff; providing for the distribution and use of such fees; and to repeal Act No. 119, H. 108 (Acts of Alabama 1969, p. 190), Regular Session 1969, as amended, and all other laws or parts of laws in conflict herewith.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 970, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Laird (With Notice and Proof):

H. 971. Relating to Randolph County; providing further for an expense allowance for the county commission of said county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 971, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Laird (With Notice and Proof):

H. 972. Relating to county health officers or administrators in Randolph County; authorizing such persons to issue official death certificates; and providing penalties for violation of this Act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 972, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Laird, Turnham, Harper (O) and Ward (With Notice and Proof):

H. 973. Relating to Chambers County; to provide for a certain additional tax upon the sale, use or consumption of malt or brewed beverages and to provide for disposition of the proceeds of such additional tax.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 973, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Laird, Turnham, Harper (O) and Ward (With Notice and Proof):

H. 974. Relating to Chambers County; to provide further for the mileage allowance of the county coroner, and to provide for retroactive effect.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 974, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

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By Reps. Laird, Turnham and Harper (O) (With Notice and Proof):

H. 975. Relating to Chambers County; to provide for an expense allowance for the members of the county commission.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 975, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Parker (With Notice and Proof):

H. 976. To alter, rearrange and add to the limits of the City of Chickasaw in Mobile County, Alabama, and to alter and rearrange limits of the City of Mobile in Mobile County, Alabama, by removing certain areas from the limits of the City of Mobile and adding same to the limits of the City of Chickasaw, and to describe the area so removed from the City of Mobile and so added to the City of Chickasaw.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 976, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Sandusky, Penry, Bedsole, Zoghby and Harper (T):

H. 977. To amend Section 9-17-64, Code of Alabama 1975, which provides for pooling or unitization agreements or amendments to leases to provide for pooling or unitization agreements, so as to provide for further such amendments.

Natural Resources.

By Reps. Stout and Rains (With Notice and Proof):

H. 978. Relating to DeKalb County; fixing the fee for the issuance of a pistol permit by the sheriff and providing for the deposit of such fees in a sheriff's fund and repealing Act No. 370, S. 570, 1971 Regular Session (Acts 1971, p. 663).

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 978, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Greer:

H. 979. To propose an amendment to the Constitution of Alabama of 1901 relating to Lauderdale County that would empower each local school tax district within the Lauderdale County school district in said county, when authorized at an election therein, to levy and collect a special district school tax not exceeding ten mills on the assessed valuation of the taxable property in such district for public school purposes in such district, and

conferring upon the county board of education of said county the power under some circumstances and without an election to change the boundaries of any local school tax district in said county or consolidate any two or more local school tax districts therein.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Rep. Blake (With Notice and Proof):

H. 980. Relating to St. Clair County; to amend sections 1 and 2 of Act No. 79-607, H. 938, Regular Session 1979 (Acts 1979, p. 1075) relating to the taxation of certain alcoholic beverages in the county, so as to increase said tax and to discontinue the use of tax stamps.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 980, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Whatley:

H. 981. To amend Sections 2-8-161, 2-8-170 and 2-8-171, Code of Alabama 1975, relating to the promotion of eggs and egg products, so as to require sellers of hens to collect and remit an assessment upon the sale of hens; to provide penalties to be imposed against sellers for failure or refusal to collect and remit assessments and to have their books examined; to provide for the issuance of permits to sellers of hens.

Agriculture and Forestry.

By Rep. Whatlev:

H. 982. To amend Section 2-8-159, Code of Alabama 1975, relating to a referendum held by egg producers assessing monies to be used for poultry promotion; to limit the amount of assessment to not more than 2 1/2¢ per hen.

Agriculture and Forestry.

By Rep. Whatley:

H. 983. To propose an amendment to the Constitution of Alabama 1901; to amend Constitutional Amendment No. 214 relating to the promotion of poultry and poultry products, allowing the legislature by general law to provide for assessment of levies, financing, collection, distribution and expenditure of funds by a designated non-profit association; to provide that no assessment levied shall exceed 2 1/2¢ per hen, or other domesticated fowl or other classes of poultry.

Agriculture and Forestry.

The above bill was read a first time at length as required by the Constitution.

By Rep. Cheatwood:

H. 984. To authorize the Alabama Public Service Commission to promulgate and enforce rules and regulations promoting the welfare and health of certain employees of railroads.

Business and Labor.

By Reps. Adams (C) and Whatley (With Notice and Proof):

H. 985. Relating to Phenix City; amending Section 3.11 of Act No. 71, H. 114, 1977 Regular Session (Acts 1977, p. 78), which provides for a council-manager form of government in certain municipalities based on a population classification, so as to provide for the filling of vacancies in the council of such municipality.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 985, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Adams (C) and Whatley (With Notice and Proof):

H. 986. Relating to the city of Phenix City; to further provide for the qualifications to engage in the bail bond business for the release of persons held by the city of Phenix City.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 986, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Whatley and Adams (C) (With Notice and Proof):

H. 987. Relating to Russell County; to provide that all monies hereafter accruing to Russell County which are dedicated to the construction, maintenance and repair of roads and bridges and traffic control shall be paid into the county road and bridge fund; to repeal Act No. 251, H. 701, Regular Session 1969 (Acts of 1969, p. 583), and Act No. 684, H. 1109, Regular Session 1971 (Acts of 1971, p. 1410), and any other laws which conflict herewith.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 987, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Whatley and Adams (C) (With Notice and Proof):

H. 988. Relating to Russell County; to provide for an additional expense allowance for the members of the county board of registrars.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 988, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Whatley and Adams (C) (With Notice and Proof):

H. 989. To amend and re-enact Act No. 403, H. 107, Regular Session 1975 (Acts of 1975, p. 1002), entitled, "An Act To provide for an increase in the compensation of the bailiffs of the circuit court of the 26th judicial circuit," so as to provide that the compensation provided in said Act shall be designated as an expense allowance.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 989, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Whatley and Adams (C) (With Notice and Proof):

H. 990. Relating to Russell County; to provide an expense allowance for the county coroner; to repeal Act No. 306, H. 745, Regular Session 1971 (Acts 1971, p. 607) and Act No. 460, H. 1119, Regular Session 1975 (Acts 1975, p. 1087) and other conflicting acts.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 990, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Whatley and Adams (C) (With Notice and Proof):

H. 991. Relating to Russell County, to authorize the county commission to hire a county license inspector; to prescribe the duties and compensation of such inspector and to repeal specifically Act No. 79-595 of the 1979 Regular Session of the Legislature and all other laws in conflict with this act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 991, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Whatley and Adams (C) (With Notice and Proof):

H. 992. Relating to Russell County; to amend Section 4 of Act No. 408, S. 689, Regular Session 1978 (Acts of 1978, p. 393), which relates to the method of compensating certain county officers in Russell County, and providing for a clerk hire allowance for each such office, so as to provide further for the hiring of clerks in said office.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 992, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Whatley and Adams (C) (With Notice and Proof):

H. 993. To authorize the Russell County commission to levy a privilege or license tax on persons, corporations, co-partnerships, companies, agencies and associations selling, distributing, or delivering any malt or brewed beverages to retailers in Russell County except within the city limits of Phenix City and Hurtsboro and two cents in the Phenix City and Hurtsboro police jurisdictions; to authorize the county commission to collect the tax and to effect distribution thereof to Russell County to be used for the county school system and the county general fund; to authorize the county commission to make rules and regulations to govern enforcement and collection of the tax; to provide for the use of the proceeds derived from the tax; and to repeal Act No. 80-487, H. 933, 1980 Regular Session (Acts 1980, p. 757), relating to a levy of a privilege or license tax for the sale of malt or brewed beverages to certain retailers in Russell County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 993, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Gregg (With Notice and Proof):

H. 994. To provide for and create the Huntsville-Madison County Racing Commission, for the regulating, licensing and supervision of greyhound racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed racetracks; to provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of the Act; to provide certain penalties for the violation of this Act and for other purposes relative thereto; and to provide for a referendum of the voters of the county on the question of whether the Act will become effective in the county.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 994, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Smith (C) (With Notice and Proof):

H. 995. Proposing an amendment to the Constitution of Alabama of 1901 authorizing Chilton County to levy and collect a special property tax on property outside the corporate limits of any incorporated municipality in such county, the proceeds of which shall be used to provide fire, medical and emergency services to unincorporated areas of the county; providing for its operation if approved by a majority of the qualified electors of the county.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 995, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Rains (With Notice and Proof):

H. 996. Relating to DeKalb County; to provide for the distribution of funds received by the county from payments in lieu of taxes made by the Tennessee Valley Authority.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 996, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Reed (With Notice and Proof):

H. 997. Relating to the various cities, towns, agencies, boards and political subdivisions within Macon county; to provide a bargaining law for public employees and their employers.

Ways and Means.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 997, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919

JOHN W. PEMBERTON, CLERK

By Rep. Reed (With Notice and Proof):

H. 998. Relating to Macon County; providing further for the expense allowances of the members of the jury commission; repealing Act No. 80-776, S. 130, 1980 Regular Session (Acts 1980, p. 1611); and providing for the termination of the provisions of this Act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 998, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Reed (With Notice and Proof):

H. 999. Relating to Macon County; providing a travel allowance for members of the county commission.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 999, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Reed (With Notice and Proof):

H. 1000. To provide for a special recording fee, in addition to all existing recording fees and charges for documents hereafter filed for record in Macon County; and to prescribe the use thereof.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1000, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Reed (With Notice and Proof):

H. 1001. Relating to Macon County; to provide for an additional expense allowance for the Board of Registrars of said county; and to repeal Act No. 421, H. 1008, 1965 Regular Session (Acts 1965, p. 623).

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1001, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Reed (With Notice and Proof):

H. 1002. Relating to Macon County; amending further Act No. 102, H. 237, Regular Session 1935 (Local Acts 1935, p. 38), which relates to the selection of the superintendent of education and prescribes his duties, qualifications, compensation and term of office, so as to provide further for his compensation.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1002, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Reed (With Notice and Proof):

H. 1003. To amend Act No. 80-512, 1980 Regular Session, relating to a work release program for Macon County, so as to alter the composition of the board.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1003, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Reed (With Notice and Proof):

H. 1004. Relating to Macon County; authorizing the county commission and the sheriff to employ additional deputies sheriff and jail personnel in order to comply with the mandates of the federal courts.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1004, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Reed (With Notice and Proof):

H. 1005. Relating to Macon County; providing for a travel allowance for members of the county board of education.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1005, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Reed (With Notice and Proof):

H. 1006. Relating to Macon County; providing for a certain law enforcement substation program throughout the county and establishing a certain trust fund for the support of such program; providing for the hiring of certain additional deputies to staff such substation and providing that the county shall finance certain costs of such program.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1006, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Reed (With Notice and Proof):

H. 1007. Relating to Macon County; regulating further certain costs and charges of the probate court and certain other fees of the probate judge.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1007, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

RESOLUTION

The following resolution was introduced:

By Reps. Zoghby, Kennedy, Parker, Sandusky, Clark (W), Turner, Bedsole and Stewart:

H. J. R. 274. COMMENDING THE EFFORTS OF MARCH AGAINST CRIME IN ITS CRUSADE FOR SAFETY ON BEHALF OF THE CITIZENS OF ALABAMA.

WHEREAS, dedicated in purpose, March Against Crime is a statewide organization of concerned citizens crusading for a return to safety in our lives and homes; and

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WHEREAS, March Against Crime had its beginning in Mobile, Alabama, when Miss Lillian Jackson elected to become involved, and brought together a group of other citizens who also were willing to work to help restore safety to our society; and

WHEREAS, in seeking to identify and search out remedies to the causes of crime, March Against Crime is involved in programs designed to promote respect for law and order, to educate our children as to the destructiveness of crime and immorality and to return emphasis to the constitutional rights of law-abiding citizens; and

WHEREAS, personal incentive and pride, patriotism and dignity—all are needed qualities of life which are recognized by March Against Crime as qualities to be once again inspired if we are to combat rising crime against life and property; and

WHEREAS, this Mobile-based organization is further involved in petitioning for needed improvements in the criminal justice system, law enforcement agencies and penal institutions as important steps to be taken in their march against crime and the criminal; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in concurring philosophy and belief, we most highly commend March Against Crime and voice our unanimous support of its crusade for safety and its dedicated effort to reduce crime.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Miss Lillian Jackson of Mobile, Alabama, on behalf of all those who, in worthy purpose, have joined her March Against Crime.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 274, was adopted.

MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 840, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,

WILLIAM JAMES SAMFORD, JR.
Legal Advisor.

Done this 16th day of April, 1981.

To The Alabama House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 840 without my signature and approval and with the following suggested Executive Amendment. This amendment would correct a typographical error.

In Section 1, Line 17 following the word "Act" delete the numbers "2481" and add in lieu thereof the numbers "2431".

The Adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,
FOB JAMES,
Governor.

GOVERNOR'S MESSAGE

On motion of Rep. Sandusky, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 840, said Governor's amendment being set out in the above and foregoing Message from the Governor.

Yeas 35; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Clark (G), Clark (W), Edwards, Greer, Grimsley, Grouby, Harper (T), Laird, Langford, Manley, Minus, Naramore, Olive, Rains, Sandusky, Shoemaker, Smith (J), Stewart, Trammell, Turnham, Venable, Ward, Warren, Willis and Wyatt.

—35

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 840. To amend Section 8 of Act 2431, H. 2569, 1971 Regular Session (Acts of 1971, p. 3880), as amended, by Act 97, H. 433, 1973 Regular Session (Acts of 1973, p. 123).

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Clark (G), Clark (W), Cosby, Crow, Edwards, Greer, Grimsley, Hall, Harper (T), Laird, Langford, McMillan, Manley, Minus, Naramore, Nevett, Olive, Owens, Pegues, Penry, Rains, Roberts, Sandusky, Shoemaker, Smith (J), Smith (M), Stewart, Trammell, Turnham, Venable, Warren, Willis and Wyatt.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 59. To create an Equipment Management Surplus Reserve Account or Fund in the Public Road and Bridge Fund of the State Highway Department so as to allow the Highway Department to initiate a Road Machinery and Equipment Management System; to allow the Highway Department to accumulate depreciation, equipment replacement allowances, and salvage value in the Equipment Management Surplus Reserve Account; and to appropriate those funds to the Highway Department to be used to upgrade, replace, or make extraordinary repairs to road machinery and equipment; the provisions of this act shall be retroactive to October 1, 1980.

MCDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Adams (C), the House concurred in and adopted the Senate amendment to the bill, H. 59, said Senate amendment being as follows:

On page 3, in Section 5, on line 29, after the period, insert the following:

It is the further intent of the legislature to use these funds to maintain the present level of road maintenance, as opposed to using said funds to place the state in a competitive position with private enterprise.

On page 3, insert the following new Section 6 and renumber the present Sections 6, 7 and 8 accordingly:

Section 6. Any other provision of law to the contrary notwithstanding, at the end of the productive life of a unit road machinery or equipment covered by the "Equipment Management Surplus Reserve Account" established as provided for in this Act, such unit of road machinery or equipment shall be sold at the discretion of the highway director, either at public auction as provided for by the laws of the State of Alabama, or by a negotiated sale between the highway department and any other state department or agency, and the proceeds from any such sale, whether at public auction or by such negotiation, shall be paid into the Equipment Management Surplus Reserve Account and credited to the subaccount to which the unit of road machinery or equipment is credited.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Brakefield, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Cosby, Dial, Dixon, Edwards, Greer, Grimsley, Grouby, Hall, Hammett, Harper (T), Horn, Johnson (R. G.), Laird, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Pegues, Penry, Ray, Riddick, Roberts, Seibels, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Turnham, Venable, Ward, Warren, Whatley, Willis and Wyatt.

And the bill, H. 59 as thus amended, was again read at length and passed.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Bedsole, Bennett, Brakefield, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Dial, Dixon, Edwards, Ford, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Pegues, Penry, Ray, Riddick, Roberts, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Turnham, Venable, Ward, Warren, Whatley, Willis and Wyatt.

—61

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Messrs. Gulledge, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White:

S. J. R. 151. COMMENDING THOSE INDIVIDUALS WHO RENDERED EXTRAORDINARY SERVICE IN CONNECTION WITH THE HURRICANE FREDERIC REFORESTATION PROJECT.

Also:

By Messrs. deGraffenried and Robertson:

S. J. R. 152. MOURNING THE DEATH OF MR. DANNY C. MORRISON OF TUSCALOOSA, ALABAMA.

Also:

By Messrs. Robertson, deGraffenried, Proctor, and Holmes:

S. J. R. 153. ENCOURAGING OUR CITIZENS TO SUPPORT THE ECONOMY OF ALABAMA AND THE NATION THROUGH THEIR PURCHASE AND USE OF AMERICAN-MADE GOODS.

Also:

By Mr. Robertson:

S. J. R. 154. DESIGNATING MAY 3 THROUGH 10, 1981, AS ALABAMA ALCOHOL AWARENESS-MARRIAGE AND FAMILY WEEK.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 151, the title of which is set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

On motion of Rep. Owens, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 152, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 153, the title of which is set out in the above and foregoing Message from the Senate.

The resolution, S. J. R. 154, the title of which is set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Barron, Bailey, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulleage, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White:

S. J. R. 150. EXTENDING BEST WISHES AND A FOND FAREWELL TO LOU ELLIOTT.

WHEREAS, the Legislature notes with mixed feelings that the Capitol reported for the Alabama Journal, Lou Elliott, will soon be leaving Montgomery for a new position with the Pensacola Journal; and

WHEREAS, We rejoice in her advancement, but regret very much that we will no longer be graced with her astute coverage of events on Goat Hill; and

WHEREAS, Lou has been with us since 1976, having worked previously on newspapers in Jackson, Mississippi and New Orleans; and

WHEREAS, She has been very active in the journalism fraternity, Sigma Delta Chi, and even more importantly, in the Friday Club; and

WHEREAS, Lou Elliott has seen the Legislature at its worst and at its best, warts and all, and has always reported its activities with sensitivity and fairness; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we wish Lou Elliott Godspeed in her new position in Pensacola, in the full knowledge that she will do the same splendid job for her new employers that she has done in Montgomery.

BE IT FURTHER RESOLVED That she be presented with a copy of this resolution as a token of our affection and esteem.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 150, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Martin:

S. 428. To make further provisions for the issuance of obligations by Alabama federal aid highway finance authority by amending article 10 of chapter 1 of Title 23 of the Code of Alabama of 1975 so as to provide for the issuance and use of proceeds of obligations of the authority for the purpose of anticipating and providing for not only the federal share of the cost of constructing interstate and defense highways but also for the purpose of anticipating and providing for the federal share of the costs of constructing state highways to the extent that the said highways constitute primary highways as defined in section 23-1-301; to delete the requirement that obligations be issued only for the purpose of providing funds to pay the federal share of the costs of constructing highway projects qualifying for reimbursement from the United States of America on a nine to one matching basis and to permit obligations of the authority to be issued and proceeds thereof to be expended for payment of any cost of constructing any interstate, defense or primary highway which is to be repaid or reimbursed to the state by the said United States pursuant to the written agreement provided for in this article; to amend section 23-1-300 of the said Code so as to provide that obligations of the authority shall be payable solely from federal-aid highway funds to be received during the federal fiscal years ending in 1978 through 1995 (rather than the federal fiscal years 1978 through 1983); to amend section 23-1-301 of the said Code by (i) permitting the issuance of temporary bonds in coupon form, (ii) amending the definition of bond to include refunding bonds issued to refund outstanding obligations, (iii) amending the definition of note by further defining a note as an obligation which recites on its face that it is issued in anticipation of the sale by the authority of bonds and which is payable to the order of a named payee, and (iv) further defining a temporary bond as an obligation issued by the authority which recites on its face that it is issued in anticipation of the sale by the authority of bonds; to amend section 23-1-307 of the said Code by (i) deleting the provision of the said section which provides that the cost to be reimbursed by the federal government does not include the expense of borrowing or interest on obligations issued by the authority, and (ii) providing that the authority may from time to time sell and issue refunding bonds for the purpose of refunding any then outstanding obligations of the authority and to provide that the provisions of the said section limiting the aggregate principal amount of bonds to

\$212,000,000 shall not apply to refunding bonds; to extend from eight to fifteen years the maximum permissible maturity date of bonds; to delete the requirement of section 23-1-310 of said Code that the bonds be sold only at public sale and at a price at least equal to their face value and to provide that any obligation of the authority may be sold either at public or private sale and at such prices as may be deemed most advantageous by the board of directors, but that none of the obligations may be sold for a price less than 97% of their par or face value; to exempt all obligations issued by the authority from the laws of the state governing usury or prescribing or limiting interest rates, including, but without limitation to, the provisions of chapter 8 of Title 8 of the code of Alabama of 1975; to amend section 23-1-313 of the said Code by (i) deleting the prohibition with respect to the use of the proceeds of obligations of the authority for payment of fees of fiscal agents or financial consultants, and (ii) providing that proceeds of refunding bonds may be used for payment of principal of and interest on any outstanding obligations of the authority and for payment of any redemption premium necessary in order to redeem or retire the said outstanding obligations; to amend section 23-1-314 of the said Code by (i) extending the period for which funds to be received by the state from the United States government may be pledged to the federal fiscal year ending in 1995, and (ii) providing that the said funds received from the federal government during any federal fiscal year should be set aside to pay not only those obligations of the authority which mature during such federal fiscal year but also any obligations which are subject to mandatory redemption by the authority during any such federal fiscal year; and to make certain other clarifying changes and to correct certain typographical errors.

Also:

By Mr. St. John:

S. 550. To provide that the Board of Trustees of the University of Alabama, at its discretion, may continue the employment of employees 70 years of age or older; and to repeal conflicting laws.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 428. State Administration.

S. 550. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Vacca:

S. 46. To provide for the definition, appointment, and removal of bank investigators and to specify the qualifications and powers of bank investigators and the responsibilities of the employing bank.

Also:

By Mr. Pearson:

S. 297. To exempt the Alabama Goodwill Industries, Inc., of Birmingham from payment of all state, municipal, and county sales and use taxes, retroactively to the fiscal year commencing October 1, 1980 as intended by the Legislature in Act No. 670 of 1978.

Also:

By Mr. Barron:

S. 465. To exempt persons fishing in certain private ponds or certain public ponds from certain fishing laws and regulations.

Also:

By Mr. Bailey:

S. 293. To provide procedures for the expenditure of funds appropriated to replace fees and place restrictions on the collection of fees and fund-raising activities in public elementary and secondary schools.

Also:

By Mr. Mitchem:

S. 290. To amend Section 9-2-7, Code of Alabama 1975, which provides for powers and duties of the Commissioner of Conservation as to game, fish and seafood generally, so as to empower the commissioner to issue no more than 50 special permits for the purpose of promoting Alabama's outdoor recreation.

Also:

By Mr. Gullledge:

S. 283. To amend sections 10-2A-70 and 17-22-3 of the Code of Alabama 1975 relating to campaign contributions, so as to remove certain prohibitive language relating to the type of contributions that may be made by certain political committees.

Also:

By Mr. McDonald:

S. 113. To provide that any annually appropriated funds allocated to local boards of education, except funds specified to be spent for personnel salaries, may be transferred between and among line items, provided that such transfer shall not exceed forty (40) percent of the amount appropriated for each line item and to further provide that such limitation shall not apply during years in which proration is declared.

Also:

By Messrs. Cook, Callahan, Miller, Teague, Proctor, Vacca, White, Parsons, Goodwin, Mitchem, Lemaster, Denton, Smith, Holmes, Robertson, Hall, Keener, Glass, Taylor, Martin, Little and Gullledge:

S. 485. To provide further for the annual salary of the state treasurer of this state.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 46. Banking.
- S. 297. Ways and Means.
- S. 465. Natural Resources.
- S. 293. Education.
- S. 290. Natural Resources.
- S. 283. State Administration.
- S. 113. Ways and Means.
- S. 485. Ways and Means.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Smith (J):

H. R. 275. EXTENDING HAPPY BIRTHDAY WISHES TO MRS. HELEN PARKER BURWELL.

Also:

By Rep. Smith (J):

H. R. 276. COMMENDING THE HOCKEY TEAM OF THE UNIVERSITY OF ALABAMA, HUNTSVILLE.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill:

H. 857. Relating to Limestone County; providing additional expense allowances for specified officers of Limestone County; providing for the discontinuance of those allowances upon a specified event; providing additional salary compensation for specified officers of Limestone County; and providing that the payment of such compensation shall begin upon a specified event.

Was taken up.

SUBSTITUTE OFFERED

Rep. Smith (J) offered the following substitute to the bill, H. 857:

A BILL
TO BE ENTITLED
AN ACT

Relating to Limestone County; providing expense allowances and compensation for certain county officials.

Be It Enacted by the Legislature of Alabama:

Section 1. Upon the effective date of this Act, and for the remainder of the present term of office, the following Limestone County officials shall be entitled to the following expense allowances which are to be paid on a monthly basis from the county treasury:

Chairman of County Commission, \$241.66; Members of County Commission, \$200.00; Tax Collector, \$95.84; Tax Assessor, \$95.84; Sheriff, \$166.67; Coroner, \$75.00.

Section 2. Beginning with the next term of office of each official, the following Limestone County officials shall be entitled to the following compensation which is to be paid on a monthly basis from the county treasury:

Chairman of County Commission, \$483.33; Members of County Commission, \$400.00; Tax Collector, \$191.67; Tax Assessor, \$191.67; Sheriff, \$333.33; Coroner, \$150.00.

Section 3. The additional expense allowances provided by this Act, when they become effective, shall be in addition to any and all other compensation or allowances provided by law.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 28; Nays 0.

Yeas:

Mr. Speaker, Barton, Bennett, Brakefield, Carothers, Carter, Cates, Clark (G), Gilmer, Greer, Grimsley, Hall, Harper (T), Harvey, Johnson (R. G.), Kelley, Manley, Minus, Mitchell, Naramore, Pegues, Smith (C), Smith (J), Turnham, Ward, Whatley, Williams and Willis.

—28

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 857. Relating to Limestone County; providing expense allowances and compensation for certain county officials.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

REGULAR SESSION
21st Day

1385

Yeas 29; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bennett, Brakefield, Carter, Cates, Clark (G), Drinkard, Gilmer, Greer, Grimsley, Hall, Harper (T), Harvey, Johnson (R. G.), Kelley, Letson, Minus, Mitchell, Naramore, Pegues, Smith (J), Turnham, Ward, Williams, Willis and Wyatt.

—29

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 894. Relating to Blount County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the compensation of such official, and repealing conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Bennett, Brakefield, Carter, Cates, Cheatwood, Clark (G), Crow, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Hall, Harper (T), Harvey, Letson, Mitchell, Naramore, Nevett, Olive, Parker, Ray, Seibels, Smith (C), Smith (J), Starkey, Stewart, Turnham, Venable, Ward, Warren, Willis and Wyatt.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 899. Relating to Chilton County; to provide for an require the reidentification of registered voters; to provide a penalty for wilfully making a false statement in connection with reidentification; and to repeal Act No. 126, Special Session 1962, and all other laws or parts of laws in conflict herewith.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Brakefield, Carter, Cates, Cheatwood, Clark (G), Drinkard, Ford, Gilmer, Goodwin, Greer, Grimsley, Hall, Harper (T), Harvey, Holmes, Mitchell, Naramore, Nevett, Olive, Parker, Rains, Ray, Seibels, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turnham, Venable, Ward, Whatley, Willis and Wyatt.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 920. Amending Section 6 of Act No. 573, S. 391, 1976 Regular Session (Acts 1976, p. 780), relating to the revenue commissioner of Cullman County, so as to provide further for the compensation and the retirement of such official.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Brakefield, Carter, Cates, Cheatwood, Clark (C), Cooley, Cosby, Crow, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (T), Harvey, Holmes, Horn, Langford, Lewis, Mitchell, Naramore, Nevett, Olive, Parker, Pegues, Rains, Ray, Sandusky, Seibels, Smith (C), Starkey, Turner, Venable, Ward, Warren, Williams, Willis and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was quorum present.

And the bill:

H. 921. Relating to Cullman County; to provide for an additional expense allowance for election officials of said county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Bowling, Brakefield, Carter, Cates, Cheatwood, Clark (G), Cooley, Cosby, Crow,

Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harvey, Horn, Langford, Letson, Manley, Mitchell, Naramore, Nevett, Olive, Parker, Rains, Ray, Seibels, Smith (C), Trammell, Turner, Venable, Waggoner, Ward, Warren, Willis, Wyatt and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 922. Relating to Cullman County; to approve and validate the amount of certain expenditures paid to the circuit clerk.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Bowling, Brakefield, Carter, Cates, Cheatwood, Clark (G), Cooley, Crow, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (T), Harvey, Holmes, Horn, Langford, Manley, Mitchell, Naramore, Nevett, Olive, Rains, Ray, Sandusky, Sasser, Seibels, Smith (C), Starkey, Trammell, Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 927 POSTPONED

On motion of Rep. Cooley, the bill, H. 927, was postponed to the twenty-third legislative day.

And the bill:

H. 933. Relating to Shelby County; to levy and collect special county privilege license and excise taxes paralleling the state sales and use taxes provided for in Chapter 23 of Title 40, Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the state revenue department; providing for the distribution and use of the proceeds including the pledging of such proceeds to the payment of obligations; and providing penalties for violations of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Bennett, Brakefield, Carter, Cates, Cheatwood, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harvey, Holmes, Horn, Langford, Mitchell, Naramore, Olive, Ray, Reed, Sandusky, Sasser, Seibels, Smith (C), Smith (J), Starkey, Turner, Venable, Waggoner, Ward, Whatley, Willis, Wyatt and Zoghby.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 508. Relating to Lee County; providing for an additional allowance for election officials who work at polling places.

Was read a third time at length and passed.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Brakefield, Cates, Cheatwood, Clark (G), Crow, Dial, Edwards, Gafford, Gilmer, Greer, Grimsley, Hall, Hammett, Harper (O), Holmes, Horn, Langford, Manley, Mitchell, Naramore, Nevett, Olive, Parker, Ray, Reed, Sasser, Seibels, Smith (C), Smith (J), Starkey, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 900. To provide for the composition of the Marion County Commission relating to the redivision of the representation districts for Marion County; to employ a county engineer and to provide for a road unit system; and to provide a referendum election on the provisions of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Bennett, Brakefield, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Crow,

Drinkard, Edwards, Ford, Greer, Grimsley, Hall, Hammett, Harper (T), Harvey, Horn, Kelley, Langford, Letson, McKee, Manley, Mitchell, Naramore, Nevett, Olive, Parker, Ray, Reed, Seibels, Smith (C), Smith (J), Starkey, Venable, Williams, Willis, Wyatt and Zoghby.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 734. (With Amendment): Relating to the functions of the Alabama Board of Funeral Services to amend Sections 34-13-51, 34-13-53, 34-13-55, 34-13-70, 34-13-90, 34-13-111, 34-13-113, 34-13-130 and 34-13-131, Code of Alabama 1975, so as to authorize the board to enter into reciprocal agreements on an individual basis and increase the fee for a reciprocal license; allow board to increase annual renewal fees for funeral directors and embalmers up to \$25.00 and up to \$100.00 for operators; provide penalties of up to \$25.00 for lapsed licenses; allow board to increase application fees for funeral directors and embalmers up to \$100.00; require board to charge \$75.00 for second or subsequent inspections of prospective licensed establishments; allow board to increase application fee for funeral establishments up to \$300.00; lower minimum age and educational requirements for funeral director or embalmer apprentices; allow the board to increase apprentice fees up to \$20.00; and to require apprentice time to be supervised.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Health, said committee amendment being as follows:

Amend H. B. 734, page 2, beginning line 6 by striking the section in its entirety and inserting in lieu thereof the new section: "§ 34-13-51. will read as follows:

"The board may, but shall not be required to, recognize and issue, without examination, and upon payment of a fee of up to one hundred dollars (\$100.00) for each license, a reciprocal license for the practice of funeral directing and embalming to any person licensed as a funeral director and embalmer by any state, if the Board makes an individual determination that the applicant's qualifications meet or exceed the minimum qualifications required for funeral directors and embalmers in this state and that a written examination of such applicant would be superfluous.

Applications shall be made on forms prescribed and furnished by this Board. Only applicants holding both a funeral director and embalmer license from another state, and applying for both a funeral director and embalmer license in Alabama will be considered for licensing by reciprocity.

The Board shall at the time of the application make a reasonable determination that the applicant is a legal resident of the State of Alabama. The Board reserves the right to require applicants for reciprocity to submit to a personal interview and/or a written examination relating to the law as it pertains to the regulation of the funeral service profession in Alabama."

And the amendment was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Bennett, Blake, Brakefield, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Crow, Dial, Drinkard, Edwards, Ford, Grimsley, Hall, Hammett, Harper (T), Harvey, Horn, Johnson (R. G.), Kelley, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Nevett, Olive, Owens, Ray, Reed, Roberts, Sandusky, Seibels, Shoemaker, Smith (C), Stewart, Trammell, Turner, Turnham, Venable, Ward, Williams, Willis, Wyatt and Zoghby.

—54

And the bill, H. 734 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bennett, Boles, Brakefield, Cabaniss, Carothers, Carter, Cheatwood, Clark (W), Cosby, Crow, Drinkard, Edwards, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (T), Harrison, Harvey, Johnson (R. G.), Kelley, Langford, Letson, McKee, Minus, Mitchell, Nevett, Olive, Pegues, Ray, Reed, Roberts, Sasser, Seibels, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—53

Nay: Rep. Dial.

—1

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolutions, your signature thereto is requested:

S. 116. To amend Section 4-3-47 of the Code of Alabama 1975, relating to airport authorities, so as to further provide for the powers of such authorities.

Also:

S. 483. To authorize the Wilcox County Commission to levy an additional privilege or license tax on persons, firms and corporations, selling, distributing or delivering wine to retailers in Wilcox County; providing for the assessment, collection and distribution of the proceeds of the tax; authorizing the adoption and promulgation of rules and regulations therefor by the county commission of said county; defining violations of the act and prescribing penalties therefor.

Also:

S. 506. To exempt the Chattahoochee Valley Hospital Society from the payment of all county and municipal sales and use taxes.

Also:

S. 507. Relating to Chambers County; providing for an additional allowance for election officials who work at polling places.

Also:

S. 547. Relating to Randolph County; providing for an additional allowance for election officials who work at polling places.

Also:

S. J. R. 129. COMMENDING MRS. DARLENE F. PATTON, PROMINENT ONEONTA PHARMACIST AND CIVIC LEADER.

Also:

S. J. R. 133. MOURNING THE DEATH OF ALABAMA NATIVE AND WORLD HEAVYWEIGHT BOXING CHAMPION, JOE LOUIS.

Also:

S. J. R. 134. DECLARING THE WEEK OF MAY 31-JUNE 6, 1981 ALABAMA POULTRY WEEK.

Also:

S. J. R. 137. MEMORIALIZING CONGRESS AND THE SMALL BUSINESS ADMINISTRATION TO KEEP THE PROMISES MADE TO ALABAMA FARMERS IN REGARD TO LOANS PROMISED DURING THE DISASTER CROP YEAR OF 1980.

Also:

S. J. R. 139. COMMENDING PRESIDENT RONALD REAGAN FOR HIS PRESIDENTIAL PARDON OF W. MARK FELT AND EDWARD S. MILLER.

Also:

S. J. R. 142. HONORING DR. SAUNDERS EARL WALKER, PROFESSOR OF ENGLISH AND SPEECH, MILES COLLEGE, BIRMINGHAM, ALABAMA.

Also:

S. J. R. 144. HONORING DR. EMMA MILLS CLEMENT WALKER OF BIRMINGHAM, ALABAMA.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate bills and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

SPECIAL ORDER RESUMED

And the bill:

H. 487. To amend Section 9-16-2 of the Code of Alabama 1975 relating to surface mining reclamation so as to exempt certain chert pits from the provisions of Article 1 of Chapter 16 of Title 9 of the Code of Alabama 1975.

Was taken up.

AMENDMENT OFFERED

Rep. Shoemaker offered the following amendment to the bill, H. 487:

On page 3, line 8, between the words pits and which, insert the following: , or similar type pits from which construction materials are obtained,

On page 3, line 9, strike the number 3 and insert in its place, the number 5.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 59; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (W), Coburn, Crow, Daniels, Dixon, Edwards, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Horn, Jackson, Johnson (R. G.), Kelley, Langford, Letson, McKee, McMillan, Minus, Moore, Nevett, Olive, Owens, Pegues, Ray, Roberts, Sasser, Shoemaker, Starkey, Stewart, Trammell, Turner, Venable, Ward, Warren, Williams, Willis and Zoghby.

—59

Nay: Rep. Wyatt.

—1

And the bill, H. 487 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 2.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Bennett, Boles, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (W), Coburn, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Horn, Jackson, Johnson (R. G.), Kelley, Letson, McKee, McMillan, Minus, Nevett, Olive, Owens, Pegues, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Turner, Venable, Ward, Warren, Williams, Willis and Zoghby.

—57

Nays: Reps.: Blake and Wyatt.

—2

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

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H. 712. Relating to Washington County; providing further for the compensation of the county superintendent of education.

Also:

H. 735. To repeal Act No. 83, H. 114, 1963 Regular Session (Acts 1963, p. 463), as amended, and Act No. 333, H. 918, 1973 Regular Session (Acts 1973, p. 476), which provide for the compensation of the county superintendent of education in counties having a population of not less than 16,000 nor more than 16,250, according to the 1970 federal decennial census.

Also:

H. 782. To provide for a certain road construction and improvement program in Washington County by imposing a certain additional fee on the cost of motor vehicle licenses issued in said county; to prescribe a certain schedule for such program with priorities to be determined by the county commission; to give said commission broad discretion as to plans for financing such program; to provide that such additional fee shall cease to be collected upon completion of such program and to provide that this Act shall become effective upon referendum approval by the electors of the county of such program.

Also:

H. 812. Relating to Dallas County; to provide that the Probate Judge shall not receive for record, or permit the recording of, any instrument, conveying title to, or any interest in, real property that does not have legibly printed, typewritten or stamped thereon the Grantee's name and latest complete address.

Also:

H. 848. To provide for a supplemental salary payable out of the Baldwin County General Fund, the annual sum of Six Thousand Dollars (\$6,000.00) per year to all circuit judges and Fifty Four Hundred Dollars (\$5400.00) per year for all district judges, serving within the 28th Judicial Circuit of Alabama.

Also:

H. 869. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Billingsley in Autauga County.

Also:

H. 875. Relating to Wilcox County; to amend Section 1 of Act No. 1447, S. 962, of the Regular Session of 1971 (Acts 1971, p. 2471), relating to the compensation of the board of registrars, so as to provide further for such compensation for the period of time from January 1, 1977, through September 30, 1980; and to provide for retroactive effect for such period of time.

Also:

H. 886. Relating to Washington County; to amend Act No. 80-274, H. 730, 1980 Regular Session of the Alabama Legislature (Acts of 1980, p. 362), which prohibited the hunting of unantlered deer, so as to grant the Department of Conservation and Natural Resources the power to permit the hunting of unantlered deer within designated areas where in the opinion of the Commissioner of Conservation it is necessary for game management purposes.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

And the bill:

H. 419. To amend Section 23-1-6, Code of Alabama 1975, which provides for the highway department to regulate and control the placing of markers, signs, and advertising on the right-of-way of all state-controlled highways; to prohibit the placing of any commercial sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise on the right-of-way of any road, highway, or bridge which is a part of the state highway system whether title to said right-of-way be vested in the State of Alabama in fee, by easement, adverse possession, prescription or by any other means in which title may vest; provide notice to owner and for removal of said signs and penalty for the violation of any provision of this act, and to repeal any and all laws that conflict with any provision of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 7.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Boles, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cosby, Dial, Edwards, Escott, Ford, Gilmer, Greer, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harvey, Kennedy, Letson, McKee, Manley, Minus, Mitchell, Nevett, Olive, Owens, Parker, Payne, Pegues, Ray, Reed, Roberts, Sandusky, Seibels, Shoemaker, Stewart, Trammell, Turner, Venable, Ward, Warren, Williams and Zoghby.

—58

Nays:

Reps. Crow, Holley, Johnson (R. G.), Langford, Patton, Rains and Wyatt.

—7

And the bill:

H. 442. To provide that no commercial enterprise or activity shall be maintained, constructed, or located within the right-of-way limits of any highway or bridge on the state highway system whether temporary or permanent, stationary, or portable, except utility structures authorized by permit issued by the state highway department; to further provide the penalties for violations.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (W), Coburn, Cosby, Dial, Dixon, Edwards, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Horn, Johnson (R. G.), Kennedy, Langford, Letson, McKee, McMillan, Minus,

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Mitchell, Nevett, Olive, Owens, Parker, Payne, Pegues, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Trammell, Venable, Ward, Williams and Zoghby.

—61

Nay: Rep Wyatt.

—1

And the bill:

S. 104. To extend the statute of limitations in regard to violations of the competitive bid laws.

Was read a third time at length and passed.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (W), Coburn, Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Horn, Howard, Johnson (R. G.), Kennedy, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Nevett, Olive, Payne, Pegues, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Trammell, Turner, Turnham, Venable, Ward, Warren, Williams and Wyatt.

—67

And the bill:

S. 105. To amend Section 41-16-50, Code of Alabama 1975, relating to competitive bids, so as to further require certain municipal and county boards to let competitive bids on certain service and rental contracts and in certain instances where cumulative contracts awarded to an individual or a business entity exceed a certain monetary amount; and to provide certain exceptions thereto.

Was taken up.

AMENDMENT OFFERED

Rep. Holley offered the following amendment to the bill, S. 105:

Amend S. B. 105, as last amended or substituted, as follows:

On page 4, line 11, after subsection (c), add the following language:

“(d) The provisions of this article shall not apply to the sale or disposal of tangible personal property by the State Highway Department when the purchaser or recipient of such property is a county governing body or municipal governing body of this state. Such tangible personal property may be sold or released to any such governing body in such manner and on such terms as the State Highway Director deems in the best interest of the state; provided that all proceeds from any sale under the provisions of this subsection shall be paid into the State Treasury to the credit of the public road and bridge fund for the use of the State Highway Department,” provided that the county or municipal governing body shall certify to the highway director that the property will be retained for use for a period of at least two (2) years by the government making the purchase and it cannot be sold or traded for a period of two (2) years.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 57; Nays 1.

Yeas:

Reps. Barton, Bedsole, Bennett, Boles, Brakefield, Buskey, Cabaniss, Carter, Cheatwood, Clark (G), Clark (W), Cosby, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (T), Holley, Holmes, Horn, Johnson (R. G.), Kelley, Langford, McKee, McMillan, Manley, Minus, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Ray, Reed, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Ward, Warren and Wyatt.

—57

Nay: Rep. Rains.

—1

And the bill, S. 105 as amended, was read a third time at length and passed.

Yeas 66; Nays 1.

Yeas:

Mr. Speaker, Adams (H), Albright, Bedsole, Bennett, Biddle, Boles, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cheatwood, Clark (G), Clark (W), Cosby, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (T), Holley, Holmes, Horn, Howard, Johnson (R. G.), Kennedy, Laird, McKee, McMillan, Manley, Minus, Nevett, Olive, Owens, Payne, Pegues, Penry, Ray, Reed, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Tucker, Turner, Venable, Ward, Warren, Williams and Wyatt.

—66

Nay: Rep. Rains.

—1

And the bill:

H. 737. To amend Section 5-16-31, Code of Alabama 1975, which provides for reorganizations of savings and loan associations, so as to provide that existing mutual savings and loan associations operating in this state may convert from the mutual to the capital stock form of organization upon approval of the savings and loan Commissioner and upon approval by majority vote of members attending a meeting called to consider conversion.

Was taken up.

MOTION TO POSTPONE TABLED

On motion of Rep. Minus, the motion offered by Rep. Manley to postpone the bill, H. 737, to the twenty-second legislative day, was tabled.

Yeas 69; Nays 11.

Yeas:

Reps. Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Campbell, Carothers, Carter, Cates,

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Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Crow, Daniels, Edwards, Escott, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Hall, Harper (O), Harper (T), Harvey, Holley, Holmes, Jackson, Johnson (Roy), Laird, Langford, Letson, McMillan, Minus, Mitchell, Nevett, Olive, Owens, Patton, Pegues, Penry, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Williams, Willis, Wyatt and Zoghby.

—69

Nays:

Reps. Dial, Dixon, Drinkard, Ford, Harrison, Johnson (R. G.), Lewis, McKee, Manley, Rains and Tucker.

—11

And the bill, H. 737, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 9.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Escott, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Jackson, Johnson (Roy), Kelley, Langford, Letson, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—77

Nays:

Reps. Drinkard, Ford, Harrison, Johnson (R. G.), Laird, Lewis, McKee, Manley and Penry.

—9

CO-SPONSORS ADDED

Reps. Smith (J) and Reed were added as co-sponsors to the bill, H. 737.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 59. To create an Equipment Management Surplus Reserve Account or Fund in the Public Road and Bridge Fund of the State Highway Department so as to allow the Highway Department to initiate a Road Machinery and Equipment Management System; to allow the Highway Department to accumulate depreciation, equipment replacement allowances, and

salvage value in the Equipment Management Surplus Reserve Account; and to appropriate those funds to the Highway Department to be used to upgrade, replace, or make extraordinary repairs to road machinery and equipment; the provisions of this act shall be retroactive to October 1, 1980.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 712. Relating to Washington County; providing further for the compensation of the county superintendent of education.

Also:

H. 735. To repeal Act No. 83, H. 114, 1963 Regular Session (Acts 1963, p. 463), as amended, and Act No. 333, H. 918, 1973 Regular Session (Acts 1973, p. 476), which provide for the compensation of the county superintendent of education in counties having a population of not less than 16,000 nor more than 16,250, according to the 1970 federal decennial census.

Also:

H. 782. To provide for a certain road construction and improvement program in Washington County by imposing a certain additional fee on the cost of motor vehicle licenses issued in said county; to prescribe a certain schedule for such program with priorities to be determined by the county commission; to give said commission broad discretion as to plans for financing such program; to provide that such additional fee shall cease to be collected upon completion of such program and to provide that this Act shall become effective upon referendum approval by the electors of the county of such program.

Also:

H. 812. Relating to Dallas County; to provide that the Probate Judge shall not receive for record, or permit the recording of, any instrument, conveying title to, or any interest in, real property that does not have legibly printed, typewritten or stamped thereon the Grantee's name and latest complete address.

Also:

H. 848. To provide for a supplemental salary payable out of the Baldwin County General Fund, the annual sum of Six Thousand Dollars (\$6000.00) per year to all circuit judges and Fifty Four Hundred Dollars (\$5400.00) per year for all district judges, serving within the 28th Judicial Circuit of Alabama.

Also:

H. 869. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Billingsley in Autauga County.

Also:

H. 875. Relating to Wilcox County; to amend Section 1 of Act No. 1447, S. 962, of the Regular Session of 1971 (Acts 1971, p. 2471), relating to the compensation of the board of registrars, so as to provide further for such compensation for the period of time from January 1, 1977, through September 30, 1980; and to provide for retroactive effect for such period of time.

Also:

H. 886. Relating to Washington County; to amend Act No. 80-274, H. 730, 1980 Regular Session of the Alabama Legislature (Acts of 1980, p. 362), which prohibited the hunting of unantlered deer, so as to grant the Department of Conservation and Natural Resources the power to permit the hunting of unantlered deer within designated areas where in the opinion of the Commissioner of Conservation it is necessary for game management purposes.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

H. 855. To provide for optional retirement for previously retired state employees.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Crow, Daniels, Dial, Dixon,

Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harrison, Harvey, Holley, Horn, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Mitchell, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Reed, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—85

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 840. To amend Section 8 of Act 2431, H. 2569, 1971 Regular Session (Acts of 1971, p. 3880), as amended, by Act 97, H. 433, 1973 Regular Session (Acts of 1973, p. 123).

by a majority of the whole number elected to the Senate, said vote being Yeas 25, Nays 0.

And said Bill, H. B. 840, as amended by the Executive amendment, was again read at length and passed by a majority of the whole number elected to the Senate, said vote being Yeas 25, Nays 0.

And said Bill, H. B. 840, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 357. To authorize and make provision for the incorporation through the joint action of any county and any single municipality located in such county of one or more public corporations for the purpose of acquiring, maintaining and operating public hospitals and appurtenant facilities in such county; to provide for the election and compensation of directors of any such corporations; to provide for the powers, authorities and duties of any such corporation and its board of directors; to provide for the issuance by any such corporation for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of any taxes allocated or appropriated to it or revenues from any of its hospital facilities, or any combination of any thereof; to provide that such securities shall be secured by a pledge of the revenues from which they are payable and may be secured by non-foreclosable mortgages and deeds of trust and trust indentures and other agreements respecting the application of its funds and other matters; to provide for the use of the proceeds of any such securities issued by any such corporation; to provide for the refunding by any such corporation of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such corporation pursuant to this Act shall not constitute or create a debt of the state or of any county,

municipality or political subdivision of the state; to make the securities issued by any such corporation eligible investments for various governmental bodies and fiduciaries; to exempt the property and income of any such corporation, and all securities issued by any such corporation and the income from such securities, and conveyances, leases, mortgages and deeds of trust to which any such corporation is a party, from all taxation in the state; to exempt every such corporation from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the state, and to exempt such corporation from payment of certain charges to Judges of Probate; to exempt every such corporation from all laws of the State governing usury or prescribing or limiting interest rates; to grant to every such corporation the power of eminent domain; to make applicable to every such corporation certain provisions of Title 22 of the Code of Alabama of 1975 pertaining to the designation of county health agencies and the application of certain county taxes; to make applicable to every such corporation certain provisions of Title 11 of the Code of Alabama of 1975 pertaining to tort claims and judgments against local governmental entities; to authorize any county authorizing the creation of such a corporation and any municipal or public corporation or agency in such county to donate hospital facilities and other property to such corporation; to provide for the disposition of the earnings, if any, of any such corporation; and to provide for the dissolution of any such corporation and the disposition of its property.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Tucker:

H. R. 277. COMMENDING COACH OF THE YEAR, JOHN DOSS, OF HAYES HIGH SCHOOL, BIRMINGHAM.

Also:

By Rep. Tucker:

H. R. 278. CONGRATULATING THE HAYES HIGH SCHOOL PACESETTERS, STATE 4A BASKETBALL CHAMPIONS.

Also:

By Rep. Tucker:

H. R. 279. COMMENDING ALPHONSO JOHNSON OF HAYES HIGH SCHOOL, STATE 4A BASKETBALL TOURNAMENT'S MOST VALUABLE PLAYER.

SPECIAL ORDER RESUMED

And the bill:

H. 153. To amend Section 36-26-5 of the Code of Alabama 1975 relating to the state personnel board so as to further provide for the election of two state employees to the board.

Was taken up.

SUBSTITUTE OFFERED

Rep. Owens offered the following substitute to the bill, H. 153:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 36-26-5 of the Code of Alabama 1975, relating to the state personnel board, so as to further provide for the election of one state employee to the board, and the appointment of one member by the Governor to the board.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 36-26-5 of the Code of Alabama 1975, is hereby amended to read as follows:

"§ 36-26-5.

"(a) The state personnel board shall consist of five persons, four three persons of whom shall be appointed by the governor, with the consent of the senate, to serve, one two for two years, one for four years and one for six years from March 2, 1939, or until their successors are appointed and have qualified. One member of the board shall be a classified employee elected as provided in subsection (b). The successors of the original appointees for each appointed position shall be appointed for terms of six years each. Each member shall be required to take the constitutional oath of office before entering upon his duties. The board shall designate one of its members as chairman. Two three members of the board shall constitute a quorum for the transaction of business. Any vacancy in the appointed membership of the board shall be filled by the governor for the unexpired term. Each member **shall be a person over 19 years of age, of recognized character and ability, shall have been a bona fide resident and a qualified voter of this state for not less than five years and shall not, when appointed nor for three years then last past before the date of his appointment, have held elective public or party office nor have been a candidate for such office.** No two of the appointed members of said personnel board shall be appointed from any one congressional district of the state. A member of the board may be removed from office for the same causes and by the same procedure as provided by the Constitution and statutes of Alabama for the impeachment of sheriffs. Each member of the board shall receive a per diem of \$25.00 and expenses for attendance upon meetings of the board. No member shall receive total compensation in excess of \$600.00 per annum, excluding compensation received for attendance upon trials of charges preferred against employees as provided in this article.

"(b) One member shall be elected by a majority vote of the full-time state employees. For his original term, he shall serve for a four-year term. During the month of July, 1981, employees desiring to serve shall file with the state comptroller notice of their intent to run for the position. The comptroller shall cause to be prepared ballots for distribution to all state employees with their paychecks during the first pay period of August 1981. Each state payroll clerk within one week shall collect the executed ballots and return them to the comptroller who shall forthwith tabulate the ballots and announce the results. A printout of the tabulation along with the ballots shall within three days be delivered by the comptroller to the secretary of state, who shall preserve the ballots and the printout for three months. At the

expiration of terms of office of the original member elected under this subsection, and every four years thereafter, his successor shall be elected in the same manner as provided by the subsection. If a vacancy occurs in the office of a member elected under the provisions of this subsection, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 65; Nays 12.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Cabaniss, Campbell, Carothers, Carter, Cates, Cosby, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Harper (O), Harper (T), Harvey, Holley, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Ray, Reed, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Stewart, Turner, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis and Zoghby.

—65

Nays:

Reps. Bowling, Brakefield, Cheatwood, Clark (W), Cobb, Holmes, Kennedy, Langford, Naramore, Smith (C), Trammell and Wyatt.

—12

And the bill:

H. 153. To amend Section 36-26-5 of the Code of Alabama 1975, relating to the state personnel board, so as to further provide for the election of one state employee to the board, and the appointment of one member by the Governor to the board.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 4.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—87

Nays: Reps. Holmes, Howard, Nevett and Tucker.

—4

And the bill:

S. 60. To permit a period of silence to be observed for the purpose of meditation or voluntary prayer at the commencement of the first class of each day in all public schools.

Was read a third time at length and passed.

Yeas 95; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—95

And the bill:

S. 143. To amend Section 11-42-21, Code of Alabama, 1975, which section provides additional alternative procedures whereby incorporated municipalities with populations of 2,000 or more may alter their corporate limits, so as to provide a procedure for altering the corporate boundaries of such incorporated municipalities in the event one or more such incorporated municipalities have overlapping police jurisdictions.

Was read a third time at length and passed.

Yeas 76; Nays 1.

Yeas:

Reps. Adams (C), Adams (H), Albright, Amari, Bedsole, Bennett, Blake, Boles, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cosby, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Turnham, Venable, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—76

Nay: Rep. Rains.

—1

And the bill:

H. 810. Relating to privilege or license taxes on mortgages, deeds of trust, contracts of conditional sale or other instruments of like character

received for record or for filing: To amend Section 40-22-2, Code of Alabama 1975, which provides for the payment of privilege or license taxes for recording or filing of mortgages, deeds of trust, contracts of conditional sale and other instruments of like character so as to provide an alternative procedure for the recording of instruments securing open end or revolving indebtedness with any interest in residential property, and to provide that such privilege or license taxes shall be based upon the maximum principal indebtedness to be secured by such instrument at any time as stated in such instrument or any amendment thereto, irrespective of the cumulative amount advanced from time to time thereunder.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Bedsole, Bennett, Biddle, Blake, Boles, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holmes, Horn, Johnson (R. G.), Kelley, Laird, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Parker, Penry, Rains, Reed, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Turner, Turnham, Venable, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—73

Nay: Rep. Holley.

—1

And the bill:

H. 274. To amend Code of Alabama 1975, §16-24-30 to change the secretary of the State Tenure Commission and to designate the location for State Tenure Commission records.

Was taken up.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Wyatt to indefinitely postpone the bill, H. 274, was lost.

Yeas 44; Nays 44.

Yeas:

Reps. Albright, Bennett, Blake, Boles, Brakefield, Buskey, Carter, Cheatwood, Clark (W), Cobb, Cooley, Crow, Escott, Ford, Goodwin, Greer, Hall, Harper (O), Harrison, Harvey, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Naramore, Patton, Penry, Rains, Reed, Roberts, Smith (C), Starkey, Stout, Trammell, Tucker, Turner, Warren and Wyatt.

—44

Nays:

Mr. Speaker, Barton, Bedsole, Biddle, Cabaniss, Campbell, Clark (G), Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Gregg, Grouby,

Hammett, Harper (T), Lewis, McKee, McMillan, Manley, Minus, Nevett, Olive, Owens, Parker, Payne, Pegues, Ray, Riddick, Seibels, Shoemaker, Smith (J), Smith (M), Stewart, Turnham, Venable, Waggoner, Ward, Williams, Willis and Zoghby.

—44

MOTION TO POSTPONE

Rep. Johnson (Roy) offered the motion to postpone the bill, H. 274 to the twenty-ninth legislative day.

MOTION TO TABLE LOST

The motion offered by Rep. Lewis to table the motion offered by Rep. Johnson (Roy) to postpone the bill, H. 274, to the twenty-ninth legislative day, was lost.

Yeas 45; Nays 48.

Yeas:

Mr. Speaker, Adams (H), Barton, Bedsole, Biddle, Cabaniss, Campbell, Clark (G), Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Gregg, Grouby, Hammett, Harper (T), Lewis, McKee, McMillan, Manley, Olive, Owens, Parker, Payne, Pegues, Ray, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Turnham, Venable, Waggoner, Ward, Williams and Zoghby.

—45

Nays:

Reps. Adams (C), Albright, Amari, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Carter, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Crow, Escott, Ford, Goodwin, Greer, Hall, Harper (O), Harrison, Harvey, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Minus, Moore, Naramore, Nevett, Patton, Penry, Rains, Reed, Roberts, Smith (C), Stout, Trammell, Turner, Warren, Willis and Wyatt.

—48

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 357. To authorize and make provision for the incorporation through the joint action of any county and any single municipality located in such county of one or more public corporations for the purpose of acquiring, maintaining and operating public hospitals and appurtenant facilities in such county; to provide for the election and compensation of directors of any such corporations; to provide for the powers, authorities and duties of any such corporation and its board of directors; to provide for the issuance by any such corporation for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of any taxes allocated or appropriated to it or revenues from any of its hospital facilities,

or any combination of any thereof; to provide that such securities shall be secured by a pledge of the revenues from which they are payable and may be secured by non-foreclosable mortgages and deeds of trust and trust indentures and other agreements respecting the application of its funds and other matters; to provide for the use of the proceeds of any such securities issued by any such corporation; to provide for the refunding by any such corporation of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such corporation pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such corporation eligible investments for various governmental bodies and fiduciaries; to exempt the property and income of any such corporation, and all securities issued by any such corporation and the income from such securities, and conveyances, leases, mortgages and deeds of trust to which any such corporation is a party, from all taxation in the state; to exempt every such corporation from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the state, and to exempt such corporation from payment of certain charges to Judges of Probate; to exempt every such corporation from all laws of the State governing usury or prescribing or limiting interest rates; to grant to every such corporation the power of eminent domain; to make applicable to every such corporation certain provisions of Title 22 of the Code of Alabama of 1975 pertaining to the designation of county health agencies and the application of certain county taxes; to make applicable to every such corporation certain provisions of Title 11 of the Code of Alabama of 1975 pertaining to tort claims and judgments against local governmental entities; to authorize any county authorizing the creation of such a corporation and any municipal or public corporation or agency in such county to donate hospital facilities and other property to such corporation; to provide for the disposition of the earnings, if any, of any such corporation; and to provide for the dissolution of any such corporation and the disposition of its property.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill to-wit:

H. 840. To amend Section 8 of Act 2431, H. 2569, 1971 Regular Session (Acts of 1971, p. 3880), as amended, by Act 97, H. 433, 1973 Regular Session (Acts of 1973, p. 123).

And finds same correctly enrolled with Executive Amendment.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

H. 274 POSTPONED

The question was then on the motion offered by Rep. Johnson (Roy) to postpone the bill, H. 274, to the twenty-ninth legislative day, and the motion was adopted.

Yeas 51; Nays 43.

Yeas:

Reps. Adams (C), Albright, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Carter, Cheatwood, Clark (W), Cobb, Cooley, Crow, Drinkard, Escott, Ford, Goodwin, Greer, Hall, Harper (O), Harrison, Harvey, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Minus, Moore, Naramore, Nevett, Patton, Penry, Rains, Reed, Roberts, Smith (C), Stout, Trammell, Tucker, Turner, Warren, Willis and Wyatt.

—51

Nays:

Mr. Speaker, Barton, Bedsole, Biddle, Cabaniss, Campbell, Clark (G), Cosby, Daniels, Dial, Dixon, Edwards, Gafford, Gilmer, Grouby, Hammett, Harper (T), Lewis, McKee, McMillan, Manley, Olive, Owens, Parker, Payne, Pegues, Ray, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Turnham, Venable, Waggoner, Ward, Whatley, Williams and Zoghby.

—43

And the bill:

S. 219. To amend § 12-19-150, Code of Alabama 1975, to provide that in the interest of justice a judge may, in his discretion enter an order dismissing a case prior to trial, conditioned upon payment of the docket fee and other court costs; and to provide an effective date.

Was read a third time at length and passed.

Yeas 82; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Biddle, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley,

Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Williams, Willis and Wyatt.

—82

Nay: Rep. Albright.

—1

RESOLUTION

The following resolution was introduced:

By Rep. Patton:

H. R. 280. STATING THE HOUSE OF REPRESENTATIVES POSITION ON THE IMPROVEMENT OF STATE CORRECTIONAL FACILITIES.

WHEREAS, the Alabama House of Representative recognizes that crime and delinquency has become the number one concern of the citizens of Alabama, and

WHEREAS, this governing body has responded to this concern by passing many laws which call for stiffer penalties and swifter justice for both adult and juvenile offenders, and

WHEREAS, we recognize that our jails and detention centers are overcrowded and that our local governments are under a financial strain by housing state and juvenile offenders, and

WHEREAS, both adult and juvenile correctional facilities are inadequate and over-crowded, and

WHEREAS, the new oil and gas lease monies give us an opportunity to respond to our citizens by improving our correctional facilities and getting both the juvenile and adult offender off the streets,

NOW THEREFORE BE IT RESOLVED, That the Alabama House of Representatives hereby declares its first priorities for Capital outlay to be the expansion and improvement of the State adult and juvenile correctional facilities.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Patton offered the motion to suspend the rules and adopt the resolution, H. R. 280.

DIVISION OF THE QUESTION

Rep. Biddle called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Patton to suspend the rules in order to take up for immediate consideration the resolution, H. R. 280, and the motion was lost.

Yeas 8; Nays 40.

Yeas:

Reps. Cooley, Hall, Johnson (R. G.), Johnson (Roy), Letson, Roberts, Smith (J) and Whatley.

—8

Nays:

Mr. Speaker, Adams (H), Barton, Biddle, Bowling, Cates, Cheatwood, Crow, Daniels, Dixon, Drinkard, Ford, Gilmer, Grouby, Hammett, Harvey, Langford, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Parker, Payne, Penry, Rains, Reed, Sasser, Seibels, Shavers, Shoemaker, Smith (M), Trammell, Turner, Venable, Warren, Willis, Wyatt and Zoghby.

—40

The resolution, H. R. 280, was read and referred to the Standing Committee on Rules.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

NOTICE IN WRITING

Rep. Gregg filed the following Notice In Writing:

Notice is hereby given on an ensuing Legislative Day I shall move that **Rule 27b under General Rules of Order and Procedure** of the Rules of the House of Representatives of Alabama be repealed.

"Rule 27b. Any bill providing for or dealing with parimutuel betting shall be treated as a general bill, provided however, that this rule shall not apply to any legislation relating to any county where pari-mutuel betting is currently allowed."

SPECIAL ORDER RESUMED

And the bill:

H. 584. (With Amendments): To regulate all security guards in this State; to provide a title; to define certain terms; to create the Alabama Private Security Regulatory Board; to provide for powers and duties of such Board; to provide for licenses for persons engaged in a private security business; to provide for registration of proprietary and contract security guards; to provide for registration fees; to provide for qualifications; to provide for training requirements; to provide for carrying of firearms; to provide for uniform and motor vehicle identifying insignia; to provide for unlawful acts; and to provide for an effective date.

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 584, Section 4, page 5, on line 10 of said bill, delete the words One law enforcement official. as said words appear thereon & insert in lieu therefor the words One member of the Alabama Sheriffs' Association.

Further amend House Bill 584, Section 4, page 5, on lines 12 and 13, by deleting the words subject to legislative confirmation.

as said words appear thereon. Change the comma following the word "Governor" to a period on line 12 of said bill.

Also, further amend House Bill 584, Section 6, page 5, on lines 28 and 29, by striking the comma following the word "Governor" on line 28 and the words & comma subject to legislative confirmation, as same appear on said lines.

And the amendment was adopted.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bennett, Blake, Bowling, Brakefield, Cabaniss, Cates, Cooley, Cosby, Daniels, Dial, Dixon, Edwards, Grouby, Hall, Hammett, Harper (O), Harper (T), Johnson (R. G.), McKee, McMillan, Manley, Minus, Naramore, Penry, Ray, Reed, Sasser, Shavers, Smith (J), Smith (M), Trammell, Turner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 584, Section 37, on page 22 of said bill, line 29, by inserting after the word "legislation" and before the comma which follows said word the following words:

except local acts

Further amend House Bill 584, Section 37, on page 22 of said bill, line 33, by adding a new sentence following the word "Act." where said word appears thereon, to-wit:

The provisions of this Act shall not apply to any local act or acts heretofore enacted into law.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carter, Cates, Cooley, Daniels, Dixon, Edwards, Gilmer, Grouby, Hall, Hammett, Harper (O), Harper (T), Johnson (R. G.), Laird, McKee, Manley, Minus, Naramore, Ray, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Ward, Warren, Whatley, Willis and Wyatt.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO POSTPONE

Rep. Riddick offered the motion to postpone further consideration of the bill, H. 584 as amended, to the twenty-second legislative day.

MOTION TO TABLE LOST

The motion offered by Rep. Waggoner to table the motion offered by Rep. Riddick to postpone further consideration of the bill, H. 584 as amended, to the twenty-second legislative day, was lost.

Yeas 19; Nays 53.

Yeas:

Reps. Amari, Barton, Biddle, Brakefield, Cabaniss, Cosby, Daniels, Dixon, Harrison, Lewis, McKee, Minus, Moore, Naramore, Olive, Seibels, Shoemaker, Stewart and Waggoner.

—19

Nays:

Reps. Adams (C), Adams (H), Albright, Blake, Buskey, Campbell, Carothers, Carter, Cates, Clark (W), Coburn, Cooley, Crow, Drinkard, Edwards, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, McMillan, Manley, Patton, Payne, Penry, Rains, Reed, Riddick, Roberts, Sasser, Shavers, Smith (C), Smith (M), Starkey, Stout, Turner, Venable, Warren, Whatley, Williams, Willis and Wyatt.

—53

H. 584 POSTPONED

The question was then on the motion offered by Rep. Riddick to postpone further consideration of the bill, H. 584 as amended, to the twenty-second legislative day, and the motion was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 105. To amend Section 41-16-50, Code of Alabama 1975, relating to competitive bids, so as to further require certain municipal and county boards to let competitive bids on certain service and rental contracts and in certain instances where cumulative contracts awarded to an individual or a business entity exceed a certain monetary amount; and to provide certain exceptions thereto.

McDOWELL LEE,
Secretary.

MOTION TO ADJOURN LOST

The motion offered by Rep. Ford that the House adjourn, was lost.

Yeas 21; Nays 49.

Yeas:

Reps. Adams (C), Brakefield, Buskey, Carothers, Clark (W), Coburn, Ford, Greer, Harrison, Holmes, Johnson (Roy), Kennedy, Langford, Reed, Roberts, Shavers, Trammell, Turner, Whatley, Williams and Wyatt.

—21

Nays:

Reps. Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Cabaniss, Carter, Cates, Clark (G), Cooley, Crow, Dixon, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Johnson (R. G.), Laird, Lewis, McKee, McMillan, Manley, Minus, Naramore, Olive, Patton, Payne, Penry, Rains, Riddick, Sasser, Seibels, Smith (C), Smith (J), Smith (M), Starkey, Stout, Venable, Waggoner, Ward, Warren and Willis.

—49

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Hammett:

H. R. 281. NOTING THE OCCASION OF MR. S. L. SINKFIELD'S 100TH BIRTHDAY.

Also:

By Rep. Hammett:

H. R. 282. MOURNING THE UNTIMELY DEATH OF YOUNG MICHAEL HOOMES OF OPP, ALABAMA.

SPECIAL ORDER RESUMED

And the bill:

H. 369. To authorize county governing bodies to grant the tax assessor authority to assess taxes from October 1 to September 30 of each tax year.

Was taken up.

SUBSTITUTE OFFERED

Rep. Smith (J) offered the following substitute to the bill, H. 369:

A BILL
TO BE ENTITLED
AN ACT

To authorize the tax assessor to assess property for tax purposes from January 1 through September 30 of each tax year, and the assessment becomes effective on the following October 1.

Be It Enacted by the Legislature of Alabama:

Section 1. Notwithstanding any other law to the contrary, the county tax assessor may assess property for tax purposes and perform related tax assessing functions and requirements from January 1 to September 30 of each taxable year and the assessment shall become effective on the following October 1.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bennett, Blake, Brakefield, Carothers, Carter, Cates, Clark (G), Daniels, Dixon, Edwards, Ford, Gafford, Gilmer, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Holmes, Johnson (R. G.), Kennedy, Laird, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Parker, Payne, Penry, Rains, Reed, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Venable, Ward, Warren, Williams and Willis.

—54

And the bill:

H. 369. To authorize the tax assessor to assess property for tax purposes from January 1 through September 30 of each tax year, and the assessment becomes effective on the following October 1.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bennett, Biddle, Blake, Brakefield, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Holmes, Johnson (R. G.), Kelley, Kennedy, Laird, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Payne, Penry, Rains, Reed, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Venable, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—64

NOTICE IN WRITING

Rep. Gregg filed the following Notice in Writing:

Notice is hereby given on an ensuing Legislative Day I shall move that Rule 27b under General Rules of Order and Procedure of the Rules of the House of Representatives of Alabama shall be modified as follows:

"Rule 27b. Any bill providing for or dealing with parimutuel betting shall be treated as a general bill, provided however, that this rule shall not apply to any legislation relating to any county where pari-mutuel betting is currently under consideration prior to the adoption of this rule."

SPECIAL ORDER RESUMED

And the bill:

H. 406. To provide that the use of a firearm or other offensive weapon while committing or attempting to commit a felony shall constitute a separate felony and prescribe penalties.

Was taken up.

AMENDMENT OFFERED

Rep. Payne offered the following amendment to the bill, H. 406:

On page 1. line 31, delete the following language:

blackjack, billy, hand chain or metal knuckles,

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 50; Nays 2.

Yeas:

Reps. Bennett, Blake, Campbell, Carothers, Carter, Cates, Clark (G), Clark (W), Cobb, Daniels, Dial, Dixon, Drinkard, Ford, Gilmer, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Johnson (R. G.), Kelley, Laird, McKee, McMillan, Manley, Naramore, Olive, Parker, Payne, Penry, Rains, Ray, Riddick, Sasser, Shavers, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Venable, Ward, Warren, Whatley, Williams and Willis.

—50

Nays: Reps. Barton and Roberts.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 406 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

Yeas:

Reps. Adams (C), Adams (H), Amari, Barton, Biddle, Blake, Bowling, Brakefield, Campbell, Carothers, Carter, Cates, Clark (G), Clark (W), Cobb, Cooley, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Holmes, Johnson (R. G.), Kelley, Laird, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Payne, Penry, Rains, Ray, Riddick,

Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—70

CO-SPONSORS ADDED

Reps. Smith (J), Holmes and Gilmer were added as co-sponsors to the bill, H. 406.

And the bill:

H. 411. (With Substitute) (With Amendment): To increase the commercial oyster tonging license from One Dollar (\$1.00) to Ten Dollars (\$10.00) in October 1981 and to Twenty Dollars (\$20.00) in October 1982.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Natural Resources, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend section 9-12-82, Code of Alabama 1975, relating to oyster license fees, so as to provide for the increase of the commercial oyster tonging license fee; to define commercial versus noncommercial collection of oysters; and to provide penalties for violation of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9-12-82, Code of Alabama 1975, is hereby amended to read as follows:

"§ 9-12-82.

"Any person engaged in the taking or catching of oysters for commercial purposes must, before beginning such activities each year, procure a license for such activities and pay therefor the sum of \$1.00.

"Before any person engages in the taking or catching of oysters from the waters or bottoms of the state of Alabama, he shall first purchase an 'oyster catcher' license. Said license shall be ten dollars (\$10.00) plus fifty cents (\$.50) issuance fee for the year October 1, 1981, through September 30, 1982, and shall be twenty dollars (\$20.00) plus fifty cents (\$.50) issuance fee for each year beginning October 1, 1982, or thereafter. However, persons may take for personal, noncommercial purposes up to, but not more than, fifty (50) legal sized oysters per day without purchasing an 'oyster catcher' license.

"A violation of the provisions of this section shall be a Class C misdemeanor."

Section 2. This act shall become effective October 1, 1981.

And the substitute was adopted.

Yeas 57; Nays 0.

Yeas:

Reps. Adams (C), Adams (H), Barton, Blake, Bowling, Brakefield, Carothers, Cates, Clark (G), Clark (W), Cobb, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gilmer, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Johnson (R. G.), Kennedy, Laird, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Starkey, Stewart, Turner, Venable, Ward, Warren, Whatley, Williams and Willis.

—57

The question was then on the adoption of the amendment reported by the Standing Committee on Natural Resources, said committee amendment being as follows:

Amend Substitute to H. B. 411 on page 2, Section 1, line 6 after the word "than" by striking fifty (50) and inserting in lieu thereof the following: one-quarter (1/4) barrel of

Yeas 58; Nays 0.

Yeas:

Reps. Adams (C), Adams (H), Albright, Barton, Blake, Bowling, Brakefield, Carothers, Cates, Clark (G), Clark (W), Cobb, Cosby, Crow, Daniels, Dixon, Edwards, Ford, Gilmer, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holmes, Johnson (R. G.), Kennedy, Laird, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Olive, Owens, Parker, Penry, Rains, Ray, Reed, Riddick, Sasser, Shoemaker, Smith (C), Starkey, Stewart, Turner, Venable, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—58

And the bill:

H. 411. To amend section 9-12-82, Code of Alabama 1975, relating to oyster license fees, so as to provide for the increase of the commercial oyster tonging license fee; to define commercial versus noncommercial collection of oysters; and to provide penalties for violation of this act.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 3.

Yeas:

Reps. Adams (C), Adams (H), Albright, Barton, Bowling, Brakefield, Buskey, Carothers, Cates, Clark (G), Clark (W), Cobb, Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Holmes, Johnson (R. G.), Kennedy, Laird, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Olive, Owens, Parker, Penry, Rains, Ray, Reed, Roberts, Sasser, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Turner, Venable, Ward, Whatley, Williams and Zoghby.

—56

Nays: Reps. Crow, Hall and Willis.

—3

And the bill:

H. 624. (With Amendment): To increase the license fees for gill and trammel nets used in saltwaters; to provide for nonresident fees; to provide penalties for the violation of this act; and to repeal §9-12-113, Code of Alabama 1975.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Natural Resources, said committee amendment being as follows:

Amend H. B. 624, page 1, Section 2, line 33 after the word "possession" by striking a commercial and adding in lieu thereof the following:

the one hundred dollars (\$100.00)

Further amend H. B. 624, page 1, Section 2, lines 34 and 35 by striking Said net license fee shall cost one hundred dollars (\$100.00) plus an issuance fee of fifty cents (\$.50)

Further amend H. B. 624, page 2, Section 5, line 9 after the words "of the" by striking seafoods and adding in lieu thereof the following:

marine resources

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 61; Nays 0.

Yeas:

Reps. Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Clark (G), Clark (W), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Johnson (R. G.), Kennedy, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Olive, Parker, Penry, Rains, Ray, Reed, Roberts, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Turner, Venable, Ward, Whatley and Williams.

—61

AMENDMENT OFFERED

Rep. Harper (T) offered the following amendment to the bill, H. 624 as amended:

Amend H. B. 624 on page 1, Section 1, line 27, by adding after the word "nets" the following:

up to and including 300 feet, ten dollars (\$10.00),

Also on page 1, Section 1, line 28, by striking the words "up to" and adding in lieu thereof the following:

nets over 300 feet up to and including 600 feet, fifty dollars (\$50.00)

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 62; Nays 0.

Yeas:

Reps. Adams (H), Barton, Bennett, Biddle, Bowling, Brakefield, Campbell, Carothers, Carter, Cates, Clark (G), Clark (W), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Johnson (R. G.), Laird, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Penry, Rains, Ray, Roberts, Seibels, Shoemaker, Smith (C), Smith (M), Stewart, Turner, Venable, Ward, Whatley, Williams, Willis and Zoghby.

—62

And the bill, H. 624 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 4.

Yeas:

Reps. Amari, Barton, Bennett, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (W), Cobb, Cooley, Cosby, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Johnson (R. G.), Kelley, Laird, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (M), Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams and Zoghby.

—63

Nays: Reps. Adams (H), Crow, Stewart and Willis.

—4

And the bill:

H. 625. (With Substitute): To provide for a live bait shrimp dealers license; to regulate the taking and transporting of shrimp for live bait; to regulate the taking of shrimp for commercial and noncommercial purposes by persons other than dealers; to prescribe penalty for person violating the provisions of this act; and to repeal §§9-12-48, 9-12-55 through 9-12-60 inclusive, 9-12-92, and 9-12-93, Code of Alabama 1975.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Natural Resources, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide for a live bait shrimp dealers license; to regulate the taking and transporting of shrimp for live bait; to regulate the taking of shrimp for commercial and noncommercial purposes by persons other than dealers; to prescribe penalty for persons violating the provisions of this act; and to repeal §§9-12-48, 9-12-55 through 9-12-60 inclusive, and 9-12-92, Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Before any person, firm, or corporation engages in the taking, catching, transporting, or selling of live saltwater shrimp for commercial bait purposes, he must have in his possession a live bait shrimp dealers license. Said license shall be sold and issued by the department of conservation and natural resources to any live bait shrimp dealer upon payment of a fee of fifty dollars (\$50.00), which shall entitle him to sell live shrimp and operate one boat or truck, and one hundred dollars (\$100.00) for the right to sell live shrimp and operate two boats or two trucks. The department of conservation and natural resources shall not issue a live bait shrimp dealers license until the applicant has furnished to the commissioner of conservation and natural resources such information as the commissioner may prescribe showing that the applicant has the necessary equipment and facilities to properly keep shrimp alive for sale as bait. The commissioner, before the issuance of a license, shall cause an inspection of the applicant's gear and equipment, place of business and truck or vessel to ascertain if same meet the requirements for keeping bait shrimp alive. The live bait shrimp dealers license may be revoked at any time during the issuing year that an agent of the commissioner of conservation and natural resources finds that equipment, gear, truck, or vessel of the licensee no longer meets the minimum requirements for keeping shrimp alive for sale as bait. Any person who sells, exchanges, barter or attempts to sell, barter, exchange or otherwise dispose of live shrimp, shall be in violation of this act unless he first purchases the annual live bait shrimp dealers license.

Section 2. All licenses required herein shall expire on the 30th day of September of each year. All receipts shall be deposited to the marine resources fund. Nonresidents shall pay a license fee double that of citizens of the state of Alabama.

Section 3. Each live bait licensee shall furnish the marine resources division of the department of conservation and natural resources with the Alabama marine police registration number of the boat or boats and the tag number of the truck or trucks he designates to use as a licensee hereunder. A live bait licensee hereunder shall not substitute another boat or truck unless he gives a two-week written notice to the marine resources division of the department of conservation and natural resources of same. Each bait catcher boat shall contain the words "Live Bait" in letters at least six inches high on the port and starboard sides.

Section 4. Licenses live bait catcher boats may take or catch, or attempt to take or catch bait shrimp of any size in any waters of the state south of the mouth of the Mobile River and the Battleship Parkway open to commercial shrimping. Such shrimp shall not be taken with any seine or trawl having a width greater than sixteen (16) feet as measured at the cork line. Shrimp can be sold only when alive or with heads attached. No holder of a live bait shrimp dealers license shall have on his boat more than fifteen (15) pounds of dead shrimp.

Section 5. Persons can use trawls of sixteen (16) feet or less to catch or attempt to catch saltwater shrimp for bait or noncommercial purposes not to exceed twenty-five (25) pounds per person per day and only in the waters open to commercial shrimping. However, the commissioner of the department of conservation and natural resources may designate specific areas open to bait shrimping only during the closed season and may set daily catch limits from those areas.

Section 6. Before any person, firm, or corporation may use any trawl or seine for the purpose of taking, catching or attempting to take or catch shrimp

in quantities exceeding twenty-five (25) pounds per day or other seafood for commercial purposes other than for sale as bait within the territory of the state of Alabama, said person, firm, or corporation must obtain and have in possession a "trawl-seine" license, paying therefor as follows: on each seine or trawl up to and including 30 feet in length, fifty dollars (\$50.00) plus fifty cents (\$.50) issuance fee; on each seine or trawl over 30 feet and up to and including 300 feet, seventy-five dollars (\$75.00) plus fifty cents (\$.50) issuance fee; and on each seine over 300 feet, including menhaden purse seines, two hundred dollars (\$200.00) plus fifty cents (\$.50) issuance fee. A "try net" when used in conjunction with one or more licensed trawls by commercial fishermen will not be included as a taxable seine or trawl under this section.

Section 7. All rivers, bayous and creeks of the state are permanently closed to the taking of saltwater shrimp for any purpose.

Section 8. Violation of any of the provisions hereof by any person or persons shall be an offense against the state of Alabama, and violators shall, upon conviction, be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00); and their live bait license or licenses shall be revoked forthwith. The department of conservation and natural resources shall not issue another license to such licensee, truck, boat or place of business for a period of six (6) months after such conviction.

Section 9. Sections 9-12-48, 9-12-55 through 9-12-60 inclusive, and 9-12-92, Code of Alabama 1975, are hereby expressly repealed and all other laws or parts of laws which conflict with the provisions of this act are hereby repealed.

Section 10. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. This act shall become effective October 1, 1981.

And the substitute was adopted.

Yeas 54; Nays 0.

Yeas:

Reps. Adams (H), Barton, Bennett, Bowling, Brakefield, Campbell, Carter, Cates, Clark (G), Clark (W), Cobb, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Kelley, Laird, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Penry, Rains, Ray, Reed, Roberts, Seibels, Shoemaker, Smith (C), Smith (M), Stewart, Turner, Venable, Ward, Warren, Whitley, Williams and Willis.

—54

AMENDMENT OFFERED

Rep. Harper (T) offered the following amendment to the bill, H. 625 as amended:

Amend Substitute for H. B. 625, page 3, Section 5, line 11, by adding after the word "Persons" the following language:

without a live bait shrimp dealers license

Further amend Substitute for H. B. 625, page 3, Section 5, lines 15, 16, 17 and 18 by striking the following language:

However, the commissioner of the department of conservation and natural resources may designate specific areas open to bait shrimping only during the closed season and may set daily catch limits from those areas.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 65; Nays 0.

Yeas:

Reps. Adams (H), Albright, Amari, Barton, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Johnson (R. G.), Kelley, Laird, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Penry, Rains, Ray, Roberts, Seibels, Shoemaker, Smith (C), Stewart, Turner, Turnham, Venable, Ward, Warren, Whatley, Willis and Wyatt.

—65

And the bill:

H. 625. To provide for a live bait shrimp dealers license; to regulate the taking and transporting of shrimp for live bait; to regulate the taking of shrimp for commercial and noncommercial purposes by persons other than dealers; to prescribe penalty for persons violating the provisions of this act; and to repeal §§ 9-12-48, 9-12-55 through 9-12-60 inclusive, and 9-12-92, Code of Alabama 1975.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 4.

Yeas:

Reps. Albright, Barton, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Clark (W), Cobb, Cooley, Cosby, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Johnson (R. G.), Johnson (Roy), Laird, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Penry, Rains, Reed, Roberts, Seibels, Shoemaker, Smith (C), Turner, Turnham, Venable, Ward, Warren, Whatley, Wyatt and Zoghby.

—63

Nays: Reps. Adams (H), Boles, Crow and Willis.

—4

And the bill:

H. 637. To create a crab catcher's license; to establish when such license is required; to create a tagging system for commercial crab traps; to distribute the proceeds of such licenses; and to provide penalties for violations of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 9.

Yeas:

Reps. Adams (C), Barton, Bennett, Biddle, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Daniels, Dixon, Drinkard, Ford, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Penry, Rains, Reed, Roberts, Seibels, Shoemaker, Starkey, Stewart, Tucker, Turner, Turnham, Venable, Ward, Whatley, Williams, Wyatt and Zoghby.

—63

Nays:

Reps. Adams (H), Albright, Boles, Crow, Dial, Smith (C), Trammell, Warren and Willis.

—9

And the bill:

H. 638. (With Amendment): To require licensing of businesses engaged in the sale, processing, and packing for resale of seafood and of wholesale and retail outlets selling seafood and to provide penalties for violation of this act.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Natural Resources, said committee amendment being as follows:

Amend House Bill 638, page 2, Section 4, by deleting Section 4 in its entirety and renumbering all remaining sections.

And the amendment was adopted.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bennett, Biddle, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harrison, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Penry, Rains, Ray, Reed, Riddick, Roberts, Smith (C), Stewart, Stout, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—71

And the bill, H. 638 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 6.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bennett, Biddle, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G),

Clark (W), Cobb, Cooley, Cosby, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Penry, Rains, Ray, Roberts, Sasser, Shoemaker, Stewart, Stout, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—63

Nays: Reps. Adams (H), Boles, Crow, Smith (C), Tucker and Willis. —6

H. 210 TEMPORARILY POSTPONED

On motion of Rep. Blake, the bill, H. 210, was temporarily postponed.

And the bill:

S. 109. To amend §9-11-147 of the Code of Alabama 1975 so as to provide further for the marketing and identification of slat boxes used for commercial fishing.

Was read a third time at length and passed.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), **Harrison, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, McKee, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Payne, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Stewart, Stout, Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.**

—70

And the bill:

H. 210. To amend Section 9-11-194 of the Code of Alabama 1975, relating to the marking of licensed, wire fish baskets so as to provide that the location of said baskets shall not be required to be marked with a buoy or float.

Was taken up.

H. 210 INDEFINITELY POSTPONED

On motion of Rep. Blake, the bill, H. 210, was indefinitely postponed.

And the bill:

H. 380. To further regulate the sale of alcoholic beverages and to raise revenue by levying an exclusive statewide local privilege or excise tax on every person licensed under the provisions of Title 28, Article 3A, Code of Alabama 1975, who sells, stores or receives for the purpose of distribution,

beer; to provide for the collection and distribution of the proceeds of said tax; to provide for penalties; to provide for eligible counties a phase-out system of net revenue loss from local beer tax; and to supersede and repeal all local taxes, county and municipal, levied on or measured by the sale of beer, except general sales taxes.

Was taken up.

SUBSTITUTE OFFERED

Rep. Clark (G) offered the following substitute to the bill, H. 380:

A BILL
TO BE ENTITLED
AN ACT

To further regulate the sale of alcoholic beverages and to raise revenue by levying an exclusive statewide local privilege or excise tax on every person licensed under the provisions of Title 28, Article 3A, Code of Alabama 1975, who sells, stores or receives for the purpose of distribution, beer; to provide for the collection and distribution of the proceeds of said tax; to provide for penalties; to provide for eligible counties a phase-out system of net revenue loss from local beer tax; and to supersede and repeal all local taxes, county and municipal, levied on or measured by the sale of beer, except general sales taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Levy.—In addition to the excise tax levied by Act No. 79-802, Acts of Alabama 1979 (now appearing as § 28-3-184, Code of Alabama 1975) and the licenses provided for by Article 3A, Title 28, Code of Alabama 1975, and any acts amendatory thereof, supplementary thereto or substituted therefor, and municipal and county licenses, there is hereby levied a privilege or excise tax on every person licensed under the provisions of said Article 3A who sells, stores, or receives for the purpose of distribution, to any person, firm, corporation, club or association within the state of Alabama any beer. The tax levied hereby shall be measured by and graduated in accordance with the volume of sales by such person of beer, and shall be an amount equal to one and one-half cents (1½¢) or each four (4) fluid ounces or fractional part thereof.

(b) Collection.—The tax levied by subsection (a) of this section shall be added to the sales price of all beer sold, and shall be collected from the purchasers. It shall be unlawful for any person who is required to pay the tax in the first instance to fail or refuse to add to the sales price and collect from the purchaser the required amount of tax, it being the intent and purpose of this provisions that the tax levied is in fact a tax on the consumer, with the person, firm, corporation, club or association who pays the tax in the first instance acting merely as an agent of the county or municipality for collection and payment of the tax.

The tax levied by subsection (a) of this section shall be collected by a return in the form as prescribed or approved by the collecting authority of the county or municipality, which shall be filed by the wholesaler with the wet county and wet municipality where sold postmarked not later than the 15th day of the month following the month during which the beer is sold, which return shall be accompanied by the remittance of the tax due; provided, where the taxes are timely paid, the tax due shall be discounted by two and one-half percent (2½%), which discount shall, subject to the provisions of Section 6 hereof, be retained by said wholesaler for collecting the tax.

The county and municipality each shall have the authority to inspect, examine and audit the books and records of any person, firm, corporation, club or association who sells, stores, or receives for the purpose of distribution, any beer, to determine the accuracy of any return required to be filed with it.

The county shall have the authority to require any beer wholesaler not having a place of business within that county, who makes any sale, distribution or delivery of beer with the county to first obtain a permit from the beer tax collection authority of the county collecting the tax levied by this Act.

The county and municipality shall have the authority to require any wholesale beer licensee, who sells, distributes or delivers beer within the county, to file with the tax collection authority a bond in the penal sum not to exceed twice the amount of the average monthly tax due by the licensee to such authority estimated by such tax collection authority, conditioned upon the payment of the tax on beer levied by this Act to become due by the licensee.

(c) Disposition of Proceeds.—The proceeds of the tax levied by subsection (a) of this section shall be paid and distributed as follows:

(1) Except as hereinafter provided, one and one-half cents (1½¢) per four (4) fluid ounce or fractional part thereof shall be paid by wholesale licensees on their sales either into the treasury of the wet municipality in which the beer was sold or delivered by a wholesaler to a retailer within its corporate limits, or, where sold outside the corporate limits of any municipality, into the treasury of the wet county in which the beer was sold or delivered by the wholesaler to a retailer. Provided, however, such tax shall otherwise be paid and disposed of (a) in the following counties, as hereinafter set forth:

(i) Calhoun County: the entire amount of the tax shall be paid to the Calhoun County Commission to be distributed as follows:

(A) 6/9ths of the total amount of the tax shall be turned over by it to the custodian of county school funds. The County Board of Education shall immediately divide the funds with the City Boards of Education within the County pro rata in the same manner as the public school funds from the state are apportioned in said County under the minimum program fund law.

(B) 2/9ths of the total amount of the tax shall be retained by the Calhoun County Commission and shall be used as follows:

(1) The first \$25,000 annually shall be expended for the maintenance of an office for the Calhoun County Legislative Delegation. Said office shall be set up in accordance with a plan developed by the Calhoun County Commission and the Calhoun County Legislative Delegation. Any employees of this shall be hired by the Calhoun County Legislative Delegation and shall not be subject to the provisions of the Calhoun County Civil Service Act.

(2) The balance of such funds shall be used for the construction and maintenance of a new courthouse or judicial building.

(C) 1/9ths of the total amount of the tax shall be distributed to certain municipalities, as follows: Oxford, 30%; Jacksonville, 45%; Piedmont, 19.5%; Weaver, 3.5%; Hobson City, 1.5%; Ohatchee, .5%.

(ii) Chambers County: the entire amount of the tax shall be paid to the Chambers County Commission or like governing body of Chambers County, which, after the payment of all cost of collection and enforcement, shall distribute the net proceeds as follows:

(A) Fifty percent (50%) be prorated among the City and County Boards of Education for educational purposes on the basis of the previous year's net enrollment of pupils;

(B) Fifty percent (50%) be prorated among the Chambers County Commission general fund and the municipalities within the County, with each municipality receiving the amount that its population bears to the entire population of the County, and the general fund of the County receiving the amount that the population of the County outside the corporate limits of the municipalities bears to the entire population of the County according to the latest Federal census. In the event of the incorporation of any new municipalities, the proration shall be based on the official population of the municipality at the time of incorporation. Any annexation shall accrue to the city annexing according to the population annexed.

(C) Fifteen percent (15%) of the amount prorated to the County general fund in subsection (B) shall be prorated among the fire and rescue squads located within the County.

(iii) Conecuh County: the entire amount of the tax shall be paid to the Treasurer of Conecuh County, who, after first reimbursing the County general fund for all expenses incurred in the administration and enforcement of the tax, shall distribute the remainder of the proceeds of said tax as follows: one-third (1/3) to be prorated between the municipalities of Evergreen, Repton and Castleberry upon the basis of their respective populations; one-third (1/3) to be paid over to the general fund of the County; and one-third (1/3) to be paid to the Conecuh County Board of Education to be expended for educational purposes.

(iv) Coosa County: the entire amount of the tax shall be paid to the Coosa County Commission or like governing body of Coosa County and shall be distributed as follows: All of the tax revenues collected on sales within the corporate limits of any incorporated municipality within the County, two-thirds (2/3) of the tax revenue collected on sales made within the police jurisdiction of any incorporated municipality and one-half (1/2) of the tax revenue collected on sales within the of County outside of the corporate limits and police jurisdiction of all municipalities shall be deposited in the public school fund of the County to be used solely for public school purposes Coosa County; remainder of the tax shall be deposited in the general fund of the County for general purposes of the County.

(v) Elmore County: The entire amount of tax shall be paid to the Elmore County Commission or other governing body of Elmore County and the net revenue, after first reimbursing the County general fund for all expenses incurred in the administration and enforcement of the tax, shall be distributed as follows: one-half (1/2) of the net revenue from the tax shall be paid to Elmore County Board of Education; one-half (1/2) the tax collected on sales inside the corporate limits of any municipality within the County and one-fourth (1/4) of the taxes collected on sales made within the police jurisdiction of any municipality in the County shall be paid to such municipality; and the balance shall be paid into the Elmore County general fund.

(vi) Escambia County: The entire amount of tax shall be paid to the Judge of Probate of Escambia County and the net revenue, after first reimbursing the County general fund for all expenses incurred in the administration and enforcement of the tax, shall be distributed, as follows: Two and one-half percent (2 1/2%) to the Judge of Probate; sixty percent (60%) of the remainder to be prorated among the municipalities within the County upon

the basis of their respective populations; and forty (40%) of the remainder to be prorated among the City and County Boards of Education for educational purposes on the basis of the previous year's net enrollment of pupils.

(vii) Etowah County: The entire amount of tax shall be paid to the Etowah County Commission and the net revenue, after first reimbursing the County general fund for all expenses incurred in the administration and enforcement of the tax, shall be distributed, as follows: (A) For beer delivered for retail sale within the corporate limits of a municipality having a board of education, all such proceeds shall be distributed according to the following percentages: 20.83 1/3% to the Etowah County general fund; 20.38 1/3% to the City and County Boards of Education of Etowah County, to be divided pro rata among them in accordance with the most recent average daily attendance figures, to be used only for capital outlay purposes, renovation and repairs; 58.33 1/3% to the general fund of the municipality.

(B) For beer delivered for retail sale outside the city or town limits, but within the police jurisdiction, of a municipality having a board of education, all such proceeds shall be distributed according to the following percentages: 12.50% to the Etowah County Board of Education; to be used for capital outlay purposes, renovation and repairs; 20.83 1/3% to the City and County Boards of Education in Etowah County to be divided pro rata among them in accordance with the most recent average daily attendance figures, to be used for capital outlay purposes, renovation, and repairs; 29.16 2/3% to the general fund of the municipality; 37.50% to the Etowah County general fund.

(C) For beer delivered for retail sale within the city or town limits of a municipality not having a board of education, all such proceeds shall be distributed according to the following percentages: 20.83 1/3% to the Etowah County general fund; 20.83 1/3% to the City and County Boards of Education in Etowah County, to be divided pro rata among them in accordance with the most recent average daily attendance figures, to be used for capital outlay purposes, renovation and repairs; 33.33 1/3% to the general fund of the municipality; 25.00% to the Etowah County Board of Education to be used for capital outlay purposes, renovation and repairs;

(D) For beer delivered for retail sale outside the city or town limits, but within the police jurisdiction of a municipality not having a board of education, all such proceeds shall be distributed according to the following percentages: 16.66 2/3% to the general fund of the municipality; 20.83 1/3% to the City and County Boards of Education within Etowah County to be divided pro rata among them in accordance with the most recent average daily attendance figures, to be used for capital outlay purposes, renovation and repairs; 25.00% to the Etowah County Board of Education; to be used for capital outland purposes, renovation and repairs; 37.50% to the Etowah County general fund.

(E) For beer delivered for retail sale in locations which are within the boundaries of Etowah County, Alabama, but not within the corporate limits or police jurisdiction of any municipality, all such proceeds shall be distributed according to the following percentages: 20.83 1/3% to the City and County Boards of Education in Etowah County divided in accordance with the most recent average daily attendance figures to be used for capital outlay purposes, renovation or repairs; 25.00% to the Etowah County Board of Education; to be used for capital outlay purposes, renovation or repairs; 54.16 2/3% to the Etowah County general fund.

(F) For draft beer sold and delivered within all areas in Etowah County, all proceeds shall be distributed according to the following percentage: 83.33 $\frac{1}{3}\%$ to the City and County Boards of Education in Etowah County to be divided pro rata among them in accordance with the most recent average daily attendance figure to be used for capital outlay purposes, renovation and repairs; 16.66 $\frac{2}{3}\%$ to the municipalities in Etowah County within which draft beer is sold at retail, to be divided among them pro rata according to the population.

(viii) Greene County: The entire amount of tax shall be paid to the Judge of Probate of Greene County and distributed by him as follows: $2\frac{1}{2}\%$ to the Probate Judge as commission for collection and administration; $\frac{2}{5}$ ths of the remainder to the general fund of the County; $\frac{2}{5}$ ths of the remainder to the County Board of Education; and $\frac{1}{5}$ th prorated among the municipalities within the County upon the basis of their respective populations.

(ix) Hale County: The entire amount of tax shall be paid to the Hale County Commission or like governing body of Hale County and the net revenue, after first reimbursing the County general fund for all expenses incurred in the administration and enforcement of the tax, shall be prorated among the county and municipalities therein upon the basis of their respective populations.

(x) Jefferson County: Two cents of the tax shall be paid to the Probate Judge of the county and shall by him be distributed as follows: one-half of one percent of said net tax collected first shall be paid to the Probate Judge to be paid by him into the general treasury of the county for the collection and distribution of said tax, one and one-half percent of said net tax collected shall then be paid to the License Inspector for the enforcement of the provisions of this Act and shall be paid by the License Inspector to the general treasury of the county. The balance of said two cents, after first deducting the two percent as above provided, shall be distributed as follows: Two-eighths of the proceeds of said tax shall be paid to the County Board of Education to be used for the payment of salaries of public school teachers and three-eighths of the proceeds of said tax shall be paid into the general treasury of the county, and three-eighths of said proceeds shall be prorated and distributed to the municipalities within the county upon the basis of their respective populations, according to the Federal Census, at the time distributing is made. The remainder of the tax shall be distributed where sold as provided by Section 1 c (1) above.

(xi) Lee County: The entire amount of tax shall be paid to the Lee County Commission or like governing body of Lee County and shall be distributed to the custodian of the County school fund, the Custodian of the Opelika city school fund and the Custodian of the Auburn city school fund in the same manner and at the same rate that the state minimum school program funds are distributed.

(xii) Macon County: The entire amount of tax shall be paid to the Macon County Commission or like governing body of Macon County and the net revenue, after first reimbursing the County general fund for all expenses incurred in the administration and enforcement of the tax, shall be distributed by it as follows: $\frac{7}{12}$ ths of the net proceeds shall be paid into the general fund of said County to be used for governmental purposes of the County as other monies in the general fund; $\frac{4}{12}$ ths shall be apportioned and distributed to the City of Tuskegee and shall be deposited into its general fund to be used for governmental purposes of the City as other monies in the

general fund of said City are used; 1/12th shall be apportioned and distributed to the Town of Notasulga and deposited into the general fund of said Town to be used for governmental purposes of the Town as are other monies in the general fund of said town.

(xiii) Marengo County: The entire amount of the tax shall be paid to the Probate Judge of Marengo County, who shall receive 2 1/2% of all taxes collected as compensation for administering this Act and the remainder of the net revenue, after first reimbursing the County general fund for all expenses incurred in the administration and enforcement of the tax, shall be distributed by him as follows: the municipalities shall receive the taxes paid on all sales within the corporate limits and police jurisdiction of each municipality, and the County shall receive the tax on all sales made outside the corporate limits and police jurisdictions of all municipalities within the County.

(xiv) Mobile County: The entire amount of tax shall be paid to the license commissioner of Mobile County and the net revenue, after first reimbursing the County general fund for all expenses incurred in the administration and enforcement of the tax, shall be distributed by him as follows: 1/2 to the governing body of the municipality where the malt or brewed beverages are sold within its corporate limits; and the remainder to the Board of School Commissioners of Mobile County.

(xv) St. Clair County: The entire amount of tax shall be paid to the St. Clair County Commission or like governing body of St. Clair County and the net revenue, after reimbursing the County general fund for all expenses incurred in the administration and enforcement of the tax, shall be distributed by it as follows: 1/3¢ per four (4) fluid ounces or fraction thereof to the governing body of each municipality where beer is sold within its corporate limits and 1/6¢ per four (4) fluid ounces or fraction thereof to the governing body of each municipality where beer is sold within its police jurisdiction; the remainder to be distributed as follows: 25% to be paid to the road and building fund of the general fund of St. Clair County, which money shall be used for the operation of the St. Clair County Road Department, in the building and maintenance of all public roads and bridges in the County; 20.83 1/3% of the remainder to the St. Clair County Board of Education; 8.33 1/3% of the remainder to the St. Clair County Library board to be used by the board for the use of libraries and/or book mobiles throughout the County; and 45.83 1/3% to the general fund of St. Clair County to be disbursed by the St. Clair County governing body as other funds of the County are disbursed.

(xvi) Sumter County: The entire proceeds of the tax shall be paid to the county treasurer. After the payment of all cost of collection and enforcement of the tax, the treasurer shall pay into the general fund of each incorporated municipality 4/9ths of the revenue produced within the corporate limits of said municipality and the remainder shall be paid into the general fund of the county.

(xvii) Wilcox County: The entire tax revenue shall be paid to the Wilcox County Commission or like governing body of Wilcox County and disbursed as follows: 2 1/2% of the gross tax receipts to be paid as to the Probate Judge of Wilcox County as a fee for the administration and enforcement; the remainder shall be disbursed as follows: 50% to be prorated between the incorporated municipalities in Wilcox County upon the basis of their respective populations; and 50% to be paid over to the general fund of the County. Provided, however, prior to the distribution provided for in this subsection, the sum of \$400.00 per month shall be paid to the Wilcox County Civil Defense Agency.

(xviii) Baldwin County: The taxes shall be paid as follows:

(A) All the taxes collected on sales within the corporate limits of any municipality shall be paid to said municipality.

(B) One-half (1/2) the taxes collected on sales within the police jurisdiction of any municipality shall be paid to said municipality and the remaining one-half (1/2) shall be paid to the county.

(C) All of the taxes on sales outside the corporate limits of any municipality and outside of any police jurisdiction shall be paid to the county.

(xix) Choctaw County: The entire amount of tax shall be paid to the Probate Judge and after reimbursement of 2 1/2% for services, distributed as follows:

(A) 1/9th to County General Fund.

(B) Of remainder, \$20,000 to County Board of Education.

(C) Remainder up to \$90,000 to the county and municipalities on the basis of population.

(D) Of revenue in excess of \$90,000, 20% to the County Board of Education and the remainder to the county and municipalities on the basis of population.

(xx) Dale County: The entire amount of the tax shall be paid to the County Commission or like governing body and shall be distributed as follows: County, 44.17%; Arifton, .53%; Clayhatchee, .30%; Daleville, 7.59%; Grimes, .30%; Level Plains, 15.62%; Midland City, 3.08%; Napier Field, .28%; Newton, 3.48%; Ozark, 24.16%; Pinckard, .49%.

(xxi) Dallas County: The entire amount of the tax collected on sales outside of the area comprised by the corporate limits and police jurisdiction of the City of Selma shall be paid to the Dallas County Commission.

The tax collected on sales inside the corporate limits of the City of Selma and its police jurisdiction shall be paid as follows: 72.23% to be paid to the City and its Board of Education, with 1/3 of such 72.23% to be paid to the City and 2/3 of such 72.23% to be paid to the City Board of Education (the Board of Education of the City of Selma); and 27.77% to be paid to the Dallas County Commission.

(xxii) Perry County: The tax shall be paid to the county governing body and be distributed as follows:

(A) Except as hereinafter provided in subsection (B), the proceeds shall be distributed as follows:

(1) The taxes collected on sales within the corporate limits of the municipality of Marion shall be paid to said municipality.

(2) The taxes collected on sales within the corporate limits of the municipality of Uniontown shall be paid to said municipality.

(3) The taxes collected on sales outside the police jurisdiction of a municipality and outside the corporate limits of any municipality shall be retained by the county.

(4) The taxes collected on sales outside of a municipality's corporate limits but within said municipality's police jurisdiction shall be distributed in the following manner:

Three-fourths of the tax proceeds shall be retained by the county.

One-fourth of the tax proceeds shall be paid to the municipality controlling said police jurisdiction.

(B) Until the conditions set forth in this subsection (B) have been satisfied, one-ninth (1/9) shall be deducted from each of the foregoing distributions and retained by Perry County and earmarked for the purpose of purchasing voting machines and creating an election expense fund in the amount of \$10,000. Said voting machines shall be purchased by December 1, 1981; and said election expense fund shall be used to pay board of registrars members' compensation, and for election supplies and materials, election handling, storage and other expense. When the cost of the voting machines and election expense fund have been collected by the County, the right to deduct pursuant to this subsection (B) shall expire and the entire proceeds shall be distributed pursuant to and in accordance with subsection (A) hereof.

(xxiii) Russell County: The taxes shall be paid and distributed as follows:

(A) Payment of taxes collected by wholesalers.

(1) All the taxes collected on sales within the corporate limits of the municipality of Phenix City shall be paid to said municipality.

(2) All the taxes collected on sales within the corporate limits of the municipality of Hurtsboro shall be paid to said municipality.

(3) One-half (1/2) the taxes collected on sales within the police jurisdiction of Phenix City and Hurtsboro shall be paid to the respective municipality and the remaining one-half shall be paid to the county.

(4) **All of the taxes on sales outside the corporate limits of any municipality and outside of any police jurisdiction shall be paid to the county.**

(B) Distribution of county proceeds. All such taxes, after first reimbursing the county general fund for all expenses incurred in administration and enforcement of the tax, shall be used equally for the county school system and the county general fund. Of the monies going to the county general fund, half (1/2) of said amount shall be distributed to the volunteer fire departments in Russell County on a per department basis, who are recognized as legal fire districts.

(xxiv) Lowndes County: The tax proceeds shall be paid by wholesalers as follows:

(A) One-cent shall be distributed to municipalities in the following manner:

(1) One-third to municipalities that have an existing beer tax distributed on a population basis.

(2) Two-thirds to go to all municipalities including those that have an existing beer tax distributed on a population basis.

(B) One-cent to be distributed as follows:

(1) One-third to the probate judge for services rendered.

(2) Two-thirds to the county commission for the performance of services.

(C) The remainder to be equally divided between the Public School Fund and the Juvenile Service Trust Fund Account.

(xxv) Shelby County: The entire amount of tax shall be paid to the Shelby County Commission or like governing body of Shelby County to the credit of its County general fund and the net revenue, after first reimbursing the County general fund for all expenses incurred in the administration and enforcement of the tax, shall be disbursed as follows: 2/9ths of the net proceeds of such tax shall be paid to the Shelby County Board of Education; 3/9ths of the net proceeds of such tax shall, on or before the 25th day of each month, be paid to the municipalities of Shelby County in the same ratio as the population of each municipality bears to the total population of all municipalities in Shelby County; 2/9ths shall be paid into the Shelby County Law Enforcement Personnel Board fund to be used for the purposes set forth in Act No. 79-524, Acts of Alabama 1979; and the remaining 2/9ths of the net proceeds shall remain in the Shelby County general fund to be disbursed by the County governing body.

(xxvi) Tuscaloosa County: Forty-five percent (45%) of the tax shall be paid to the probate judge of Tuscaloosa County and shall by him be distributed in the same manner as provided in Act 556 of the 1953 Regular Session of the Alabama Legislature; and fifty-five percent (55%) shall be paid to the probate judge of Tuscaloosa County and shall by him be distributed in accordance with Act 80-187 of the 1980 Regular Session of the Alabama Legislature; provided, however, that from said fifty-five percent (55%) to be distributed under Act 80-187 the portion going to Tuscaloosa County shall be decreased by four percent (4%) with two percent (2%) of said fifty-five percent (55%) going to the Town of Brookwood and two percent (2%) of said fifty-five percent (55%) going to the Town of Vance.

or (b) such tax shall otherwise be paid and disposed of in accordance with and pursuant to any local act or general act of local application hereafter enacted with respect to any county directing a different disposition or apportionment of the tax.

(d) The tax herein levied is exclusive and shall be in lieu of all other or additional local taxes and licenses, county or municipal, imposed on or measured by the sale or volume of sale of beer; provided that nothing herein contained shall be construed to exempt the retail sales of beer from the levy of a tax on general retail sales by the county or municipality in the nature of, or in lieu of, a general sales tax.

Section 2. The tax levied by subsection (a) of Section 1 of this Act shall not be imposed upon the sale, trade or barter of malt or brewed beverages by one licensed wholesaler or distributor to another wholesaler or distributor licensed to sell and handle malt or brewed beverages in this state, which transaction is hereby made exempt from said tax; provided, however, that the Board shall and the county or municipality may require written reporting of any such transaction in such form as the Board may prescribe, or if no form is prescribed by the Board, in such form as may be prescribed by the county of municipality.

Section 3: Unlawful acts and offenses; penalties.

(a) It shall be unlawful:

(1) For any licensee to sell, give away or otherwise dispose of beer taxable under this Act within this state on which the taxes required by this Act have not been paid within ten (10) days after the date upon which they were due.

(2) For any wholesale beer licensee to fail to keep for a period of at least three (3) years, complete and truthful records covering the operation of his license and particularly showing all purchases and sales of beer and the name and address of the venor or vendee, or to refuse the governing authority of any county or municipality in which beer sales are made or any authorized employee or agent of the county or municipality, access to such records or the opportunity to make inspection, examination, audit or copies of the same when the request is made at anytime during which the licensed premises are open for the transaction of business.

(3) For any wholesale beer licensee to refuse the governing authority of any county or municipality in which he sells beer, or any authorized employee or agent thereof or any duly commissioned law enforcement officer thereof the right to completely inspect the entire licensed premises at anytime during which such premises are open for the transaction of business.

(4) For any person to knowingly or willfully make, exhibit or file a falsified return or any information upon which said return is based for the purpose of defrauding any county or municipality by evading the payment of the tax levied by this Act.

(b) Any violation of subsection (a) of this section shall be a misdemeanor punishable by a fine of not less than \$100.00 nor more than \$1,000.00, to which, at the discretion of the court or judge trying the case, may be added imprisonment in the county jail or at hard labor for the county for not more than six months for the first conviction; and, on the second conviction of a violation of said subdivision, the offense shall, in addition to a fine within the limits above named, be punishable by imprisonment or at hard labor for the county for not less than three months nor more than six months to be imposed by the court or judge trying the case; and, on the third and every subsequent conviction of a violation of said subdivision, the offense shall, in addition to a fine within the limits above named, be punishable by imprisonment or at hard labor for the county for not less than six months nor more than 12 months.

Section 4: Penalties.—(a) Every wholesaler licensee collecting tax on beer levied by this Act shall timely pay the same as provided in this Act. Every such wholesaler licensee failing to timely pay the said tax due pursuant to this Act shall be required to pay as part of the taxes imposed under this Act a penalty of not less than \$50, nor more than \$250, to be assessed and collected by the authority to whom the taxes are to be paid. In addition to such penalty, any wholesaler licensee failing to timely pay all or any part of the tax due pursuant to this Act shall not be entitled to deduct and retain the 2 1/2% discount prescribed in Section 1 (b) hereof upon any portion of the tax which is not timely paid.

(b) If any taxes or penalties imposed by this article remain due and unpaid for a period of 10 days, the presiding officer of the affected governing body shall issue a warrant or execution directed to any sheriff of the State of Alabama, commanding him to levy upon and sell the real and personal property of the taxpayer found within his county for the payment of the amount thereof, with penalties, if any, and the cost of executing the warrant, and to return such warrant to the governing body of the county or municipality and pay to it the money collected by virtue thereof. Upon receipt of such execution, the sheriff shall file with the clerk of the circuit court of his county a copy thereof and thereupon the clerk of the circuit court shall enter in his abstract of judgments the name of the taxpayer mentioned in the warrant and in proper columns the amount of tax, with penalties, and costs for which

the warrant is issued and the date and hour when such copy is filed, and shall index the warrant upon the index of judgments. The sheriff shall thereupon proceed upon the warrant in all respects with like effect and in the same manner prescribed by law in respect to executions issued against the property upon judgments of a court of record and shall be entitled to the same fees for services in executing the warrant to be collected in the same manner. He shall make return of such execution to said governing body within 30 days of issuance thereof. The taxes and penalties imposed by this Act shall be deemed a debt owing to the county or municipality by the party against whom the same shall be charged and shall be a preferred lien on all property of the party against whom the same shall be charged.

Section 5. Legislative Intent.—

(a) It is hereby declared the intention and purpose of this Act to prescribe and levy an exclusive statewide local privilege or excise tax on the sale of beer for the protection of the public welfare, health, peace and morals of the people of this state and for the protection of revenues of the counties and municipalities in this state from avoidance and evasion.

(b) It is further declared to be the intention and purpose of this Act to establish a system to phase out the projected loss of net revenue which would be experienced by those eligible counties, in which were imposed, as of October 1, 1980, a combined local tax rate on beer which exceeds the rate of the uniform tax levied on beer by this Act.

Section 6. Revenue Loss Phase-Out System.—

(a) When used in this Section and in Section 5 (b) of this Act, the following words and phrases shall have the following meanings, respectively, unless the context clearly indicates otherwise:

(1) **BEER TAX ESCROW FUND, or FUND.** A fund established with the alcoholic beverage control board as escrow agent funded by payments made by wholesale beer licensees collecting the tax imposed by this Act, such payments being made from the discount provided by Section 1 (b) of this Act. From the fund, the board shall pay to each eligible county the amount or amounts provided by this Section for the purpose of phasing out the net revenue loss which would be experienced by eligible counties.

(2) **ELIGIBLE COUNTY.** Any wet county in which was imposed, as of October 1, 1980, a combined local tax rate on beer in that county which exceeded the uniform tax levied on beer by this Act and which would, as a result thereof, experience a decrease in its net local tax revenue collected on beer. In order for any county to become eligible, it must timely file a claim for its loss of net revenue, which claim must be certified by the board as provided in subsection (e) of this Section.

(3) **BASE YEAR.** The year commencing October 1, 1980, and ending September 30, 1981.

(4) **BASE YEAR CASES.** The number of cases of beer sold within a county during the base year upon which local beer taxes were paid in that county, which number shall be determined by the board.

(5) **BASE YEAR NET REVENUE.** The actual net revenue realized within a county from combined local beer taxes collected on the sale of the base year cases. Net revenue shall be revenue received

from combined local beer taxes, less administrative expenses including but not limited to cost of stamps, discounts or rebates to wholesalers, salary and expenses of beer tax inspectors, and such other costs of collection and administration rendered unnecessary by the provisions of this Act.

(6) **PROJECTED REVENUE.** The amount of revenue derived from 105% of the base year cases multiplied by the rate of tax per case levied by this Act, after deducting the discount of 2 1/2% prescribed in Section 1 (b) hereof. (Base year cases x 105% x rate of tax per case — 2 1/2% discount = projected revenue). The foregoing formula is a one-time calculation utilizing an increase in sales factor of 5% over the base year cases.

(7) **NET REVENUE LOSS, or LOSS OF NET REVENUE.** The difference between base year net revenue and projected revenue.

(8) **SUBSIDY.** The sum of money paid from the beer tax escrow fund by the board to each eligible county in installments as hereinafter provided totaling 200% of its net revenue loss.

(b) There is hereby established a Beer Tax Escrow Fund into which shall be paid the total amount of 200% of the annual net revenue loss as herein defined and calculated, which loss would be experienced by those eligible counties. This Beer Tax Escrow Fund shall be funded by payments from funds provided by the discount permitted by Section 1 (b) of this Act made by wholesale beer licensees who collect the uniform tax levied by this Act.

(c) All wholesale beer licensees collecting the tax imposed by this Act shall pay into the Beer Tax Escrow Fund. Such payments are to total a sum equal to 200% of the net revenue loss of eligible counties, as determined by the board, and are to be made from the 2 1/2% discount prescribed for **wholesale licensees** in Section 1 (b) hereof, as follows: wholesale beer licensees collecting the tax imposed by this Act shall pay monthly to the board for deposit in and credit to the beer tax escrow fund the sum of two cents (2¢) per case for each case of beer received during the preceding month upon which beer tax is paid in this state. Such monthly payments shall commence on November 30, 1981, and shall be paid not later than the last day of each succeeding month and shall continue monthly until the total of the payments made into the fund shall be equal to or exceed the total subsidies to be paid to all eligible counties. The board shall cease collecting payments and shall so notify promptly each participating beer wholesaler when the total of the payments made to the board shall be equal to or exceed the total subsidies to be paid. Upon the payment of subsidies to all eligible counties, any moneys remaining in the fund shall be paid into the general fund of this state.

(d) Each eligible county shall be paid 200% of its net revenue loss (the difference between base year net revenue and projected revenue) by the board from the fund, as follows:

(1) For the fiscal year commencing October 1, 1981, and ending September 30, 1982, the payment to each eligible county shall be 100% of its net revenue loss, or difference between projected revenue and the base year net revenue;

(2) For the fiscal year commencing October 1, 1982, and ending September 30, 1983, 70% of its net revenue loss; and

(3) For the fiscal year commencing October 1, 1983, and ending September 30, 1984, 30% of its net revenue loss. The board shall pay the subsidy

to each eligible county on the 15th day of the months of March, June and September of each year an amount equal to one-third (1/3) of the total annual subsidy payment to be made during that fiscal year; provided, should the fund not contain sufficient money to make any given payment, any deficiency shall be made up in the next succeeding payment or payments.

(E) Any county desiring to assert a claim of eligibility for the subsidy under this Section must file its claim with the board within 60 days after the effective date of this Act. Upon the filing of such claim, the board shall, within 60 days after the filing of a claim, investigate and determine the eligibility of the claim of said county for subsidy and, if eligible, the amount of its subsidy. The decision of the board on eligibility and the subsidy amount shall be final and binding. No dry county shall be eligible to receive a subsidy on or after the effective date of its becoming a dry county.

Section 7. The words and phrases used in this Act shall have the meanings ascribed to them in Section 2 of the Alcoholic Beverage Licensing Code, being Act No. 80-529, Acts of Alabama 1980, and now appearing as § 28-3A-2 Code of Alabama 1975, and any acts amendatory thereof, supplementary thereto or substituted therefor.

Section 8. Repealer Provision.—

(a) Specific Repealer.—This act supersedes and repeals all local taxes and licenses, county or municipal, authorized, levied or imposed on or measured by the sale or volume of sale of beer, except the authorization levy or imposition of a tax on general retail sales by the county or municipality in the nature of, or in lieu of, a general sales tax; provided, however, nothing herein shall be construed to relieve any person from any tax liability, penalty or forfeiture incurred thereunder, nor construed to repeal any provision of law respecting the enforcement of any such tax liability, penalty or forfeiture.

(b) General Repealer.—All laws or parts of laws, local, special or general, which conflict or are inconsistent with this Act are hereby repealed.

Section 9. Severability Clause.—The provisions of this Act are severable. If any part or the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This Act shall become effective at midnight on September 30, 1981, upon its passage and approval by the Governor or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 62; Nays 5.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bennett, Biddle, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Clark (G), Clark (W), Coburn, Cooley, Cosby, Daniels, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Hall, Harper (O), Harper (T), Johnson (Roy), Kelley, Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Owens, Patton, Payne, Penry, Roberts, Sasser, Seibels, Shavers, Stewart, Stout, Trammell, Turner, Turnham, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—62

Nays: Reps. Carter, Cheatwood, Dial, Jackson and Tucker.

—5

AMENDMENT OFFERED

Rep. Ford offered the following amendment to the bill, H. 380 as amended:

On page 9, line 20, after the period, add the following language:

Provided, however, nothing in this act shall be construed as limiting the power of the Etowah County legislative delegation to impose additional taxes in Etowah County on beer through local legislation.

AMENDMENT TABLED

On motion of Rep. Clark (G), the amendment offered by Rep. Ford to the bill, H. 380 as amended, was tabled.

Yeas 45; Nays 24.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Biddle, Bowling, Buskey, Cabaniss, Campbell, Carothers, Clark (G), Clark (W), Daniels, Escott, Gafford, Gilmer, Harper (T), Harrison, Johnson (Roy), Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Owens, Parker, Patton, Penry, Sandusky, Sasser, Seibels, Shavers, Stewart, Stout, Tucker, Turner, Waggoner, Warren, Whatley, Williams and Zoghby.

—45

Nays:

Reps. Adams (H), Boles, Brakefield, Cates, Cheatwood, Crow, Dial, Drinkard, Ford, Grimsley, Grouby, Holley, Jackson, Johnson (R. G.), Kennedy, Laird, Nevett, Olive, Ray, Roberts, Shoemaker, Trammell, Turnham and Willis.

—24

AMENDMENT OFFERED

Rep. Grouby offered the following amendment to the bill, H. 380 as amended:

On page 19, after subsection (xxvi), add the following subsection:

(xxvii) Autauga County: The entire amount of the tax collected on sales outside of the area comprised by the corporate limits and police jurisdictions of the cities of Prattville and Autaugaville shall be paid to the Autauga County Commission. Outside the corporate limits but within the police jurisdictions of said municipalities, 2/3 of the amount of the tax shall be paid to the county commission and 1/3 shall be paid to the respective municipality. Within the actual corporate limits of Autaugaville and Prattville, 2/3 of the tax shall be paid to the governing body of the respective municipality and 1/3 shall be paid to the county commission.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Cates, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Dixon, Edwards, Gafford, Gilmer, Grimsley, Grouby, Harper (O), Harper (T), Horn, Johnson (Roy), Kelley, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Penry, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Stewart, Tucker, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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AMENDMENT OFFERED

Rep. Albright offered the following amendment to the bill, H. 380 as amended:

Amend H. B. 380 by adding the following new subsection to appear immediately after Subsection (xxvii) on page 20:

(xxviii) Madison County. The entire amount of the increase in taxes shall be paid to the County Commission or like governing body and shall be distributed as follows:

(A) One-ninth (1/9) to the County General Fund.

(B) The remainder of the tax shall be distributed to certain municipalities as follows: Gurley, 3.1%; Huntsville, 58.4%; Madison, 19.4%; New Hope, 10.0%; Owens Cross Roads, 1.8%; Triana, 7.3%.

MOTION TO TABLE LOST

The motion offered by Rep. Riddick to table the amendment offered by Rep. Albright to the bill, H. 380 as amended, was lost.

Yeas 2; Nays 7.

Yeas: Reps. Riddick and Turner.

—2

Nays:

Reps. Albright, Boles, Gregg, Hall, Harrison, Smith (J) and Turnham.

—7

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 267. HONORING THE UNITED STATES MARINE CORPS AND ALL THOSE WHO HAVE SERVED IN ITS CAUSE OF FREEDOM.

Also:

H. J. R. 264. HONORING MR. TOM JOINER FOR EXTRAORDINARY SERVICE WITH THE GEOLOGICAL SURVEY OF ALABAMA SINCE 1961.

Also:

H. J. R. 262. EXTENDING BEST WISHES TO MISS ANNE ELIZABETH CAMPBELL AND MR. HAROLD WILLIAM BLOOM, JR.

McDOWELL LEE,
Secretary.

H. 380 RESUMED

The question was then on the adoption of the amendment offered by Rep. Albright to the bill, H. 380 as amended, and the amendment was adopted.

Yeas 3; Nays 2.

Yeas: Reps. Albright, Hall and Smith (J). —3

Nays: Reps. Gregg and Riddick. —2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Johnson (R. G.) offered the following amendment to the bill, H. 380 as amended:

Amend the Substitute to H. 380 by adding the following subsection to appear immediately after Subsection (xxviii) on page 20:

(xxix) Talladega County: The tax shall be paid to the probate judge and, after deduction of all expenses of collecting and administering the tax, the proceeds of the tax shall be distributed as follows: 4.23% to Childersburg; 2.55% to Lincoln; 5.43% to Sylacauga; 15.00% to City of Talladega.

1.02% to be distributed one-half (½) to the North Talladega County Association for Retarded Citizens, Inc. and one-half (½) to the South Talladega County Association for Retarded Citizens, Inc.

51.47% to the Talladega County Board of Education, the Talladega City Board of Education and the Sylacauga City Board of Education on the following basis: 79.5% of the 51.47% to the Talladega County Board of Education and the Talladega City Board of Education on a pro rata basis using the percentage each system has of the total enrollment of the two systems of the most recently completed school year. The Sylacauga City Board shall receive 20.5% of the 51.47% annually.

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20.30% to the County General Fund. Annually, from the county general fund, the sum of \$1,000 per annum shall be spent in the unincorporated community of Eastaboga for public projects for the benefit of said community; the sum of \$1,500 per annum shall be spent in the unincorporated community of Munford to provide rural health care in the existing rural health clinic in said community; and the sum of \$1,500 per annum shall be spent in the unincorporated community of Munford for youth activities, including the construction, improvement, lighting and maintenance of athletic playing fields.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 28; Nays 0.

Yeas:

Reps. Adams (C), Bedsole, Blake, Clark (G), Clark (W), Cooley, Daniels, Dial, Dixon, Greer, Harper (O), Harper (T), Johnson (R. G.), Kelley, McKee, McMillan, Manley, Naramore, Payne, Penry, Roberts, Sasser, Shavers, Shoemaker, Starkey, Stout, Willis and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Laird offered the following amendment to the bill, H. 380 as amended:

On page 9, line 20, after the period, add the following language:

Provided, however, nothing in this act shall be construed as limiting pending legislation imposing additional taxes for Chambers Co.

AMENDMENT TABLED

On motion of Rep. Clark (G), the amendment offered by Rep. Laird to the bill, H. 380 as amended, was tabled.

Yeas 45; Nays 12.

Yeas:

Mr. Speaker, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Cabaniss, Carothers, Clark (G), Clark (W), Coburn, Crow, Daniels, Gilmer, Greer, Harper (T), Harrison, Harvey, Horn, Jackson, Johnson (Roy), McMillan, Manley, Minus, Mitchell, Naramore, Nevett, Owens, Parker, Patton, Payne, Penry, Sandusky, Sasser, Seibels, Shavers, Stewart, Stout, Turner, Waggoner, Warren, Williams, Willis and Zoghby.

—45

Nays:

Reps. Adams (H), Cates, Cheatwood, Drinkard, Ford, Grimsley, Harper (O), Laird, Smith (C), Turnham, Ward and Whatley.

—12

And the bill, H. 380 as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 30.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Biddle, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Clark (G), Clark (W), Coburn, Crow, Daniels, Dixon, Gafford, Gilmer, Goodwin, Greer, Harper (T), Harrison, Holley, Horn, Johnson (Roy), Kelley, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Owens, Parker, Patton, Penry, Ray, Reed, Sandusky, Sasser, Seibels, Shavers, Starkey, Stewart, Stout, Turner, Waggoner, Whatley, Willis, Wyatt and Zoghby.

—56

Nays:

Reps. Adams (H), Blake, Boles, Carter, Cates, Cosby, Drinkard, Ford, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Jackson, Johnson (R. G.), Olive, Payne, Rains, Riddick, Roberts, Shoemaker, Smith (C), Smith (M), Trammell, Tucker, Turnham, Venable, Warren, and Williams.

—30

RESOLUTION

The following resolution was introduced:

By Rep. Waggoner:

H. J. R. 283. MOURNING THE DEATH OF MR. CHARLES R. BYRD, PROMINENT BIRMINGHAM REALTOR AND CIVIC LEADER.

WHEREAS, the Legislature of Alabama has been deeply saddened by the death of Mr. Charles Richard Byrd of Birmingham, Alabama, on April 16, 1981, at the age of 85; and

WHEREAS, Mr. Byrd, though a native of Ozark, had been a resident of Birmingham since 1912, entering the real estate business in that city in 1920, following service in the United States Army during World War I; and

WHEREAS, in 1946, his company which he had founded in 1924, Byrd Real Estate Company, purchased the land that is now Vestavia Hills, anticipating at the time a new community of some 4,000 people which today in actuality, is a city of approximately 14,000 residents; and

WHEREAS, as a prominent developer, Mr. Byrd numbered among his accomplishments the development of two Holiday Inns in Birmingham, Havenwood subdivision, Tyler Road Estates and portions of English Village and Mountain Brook Village, as well as some of the first condominiums and garden apartment in the United States and several Birmingham area office and apartment buildings; and

WHEREAS, Mr. Byrd's professional affiliation and service included the past presidency of the Birmingham Area Board of Realtors, past president of the Birmingham Association of Homebuilders, and a director of both the Alabama Association of Realtors and American Life Insurance Company; and

WHEREAS, he also had earned numerous other honors, both for professional achievement and for civic involvement, which included membership in the Birmingham Area Chamber of Commerce, Jefferson County Board of Health Advisory Committee, Vestavia Beautification Committee and the Vestavia Hills Art Association; and

WHEREAS, the Vestavia Dogwood Trail and Avenue "G" White Way were also realized through the efforts of Mr. Byrd whose loss to the community has left a great void in the lives of all those who have benefitted from his care and concern for his beloved Birmingham; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Charles R. Byrd and, in shared sorrow, extend our sincere sympathy to his wife, Mrs. Charles R. Byrd, to their daughter, Mrs. John M. Jones, and sons, William W. Byrd and C. Richard Byrd, Jr., and other family members to whom a copy of this resolution shall be sent.

On motion of Rep. Waggoner, the rules were suspended and the resolution, H. J. R 283, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. White:

S. 132. To amend Section 34-27-7, Code of Alabama 1975, which relates to the Real Estate Commission, so as to increase the membership of said commission.

Also:

By Mr. Smith:

S. 386. To amend Section 41-6A-3 of the Code of Alabama 1975, which provides for the creation and organization of the Alabama department of energy so as to remove the requirement that the director of the department be a member of the Alabama state employees retirement system; and to make correction in name of system.

Also:

By Messrs. Smith, McDonald And Harrison:

S. 359. To provide for an income tax credit on state income tax liability for certain expenditures made by individual taxpayers to utilize active solar energy devices.

Also:

By Messrs. Smith, McDonald and Harrison:

S. 360. To provide for an income tax credit on state income tax liability for certain expenditures made by individual taxpayers to utilize passive solar energy.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 132. State Administration.
- S. 386. State Administration.
- S. 359. Ways and Means.
- S. 360. Ways and Means.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolution and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:10 P. M. on April 21, 1981.

H. J. R. 228.

H. 81.

Delivered to the Governor at 3:25 P. M. on April 21, 1981.

H. 712.

H. 735.

H. 782.

H. 812.

H. 848.

H. 869.

H. 875.

H. 886.

H. 59.

Delivered to the Governor at 4:00 P. M. on April 21, 1981.

H. 357.

H. 840 (Executive Amendment).

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Manley and pursuant to the resolution, H. R. 260, heretofore adopted, the House adjourned until 1:00 o'clock p. m., Wednesday, April 22, 1981.

Yeas 34; Nays 27.

Yeas:

Reps. Adams (C), Adams (H), Blake, Boles, Brakefield, Buskey, Cheatwood, Clark (G), Cobb, Coburn, Ford, Greer, Harper (O), Harrison, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Manley, Minus, Moore, Pegues, Penry, Roberts, Sasser, Shoemaker, Trammell, Turner, Waggoner, Whatley, Williams and Wyatt.

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Nays:

Reps. Amari, Barton, Cabaniss, Carothers, Carter, Cates, Cooley, Cosby, Crow, Hammett, Harvey, McKee, McMillan, Mitchell, Olive, Parker, Patton, Payne, Rains, Smith (C), Smith (M), Stewart, Stout, Turnham, Warren, Willis and Zoghby.

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TWENTY-SECOND DAY

House of Representatives
Montgomery, Alabama
Wednesday, April 22, 1981

The House met pursuant to adjournment.

PRAAYER

The session was opened with prayer by Dr. Andrew W. Tampling, Executive Director Alabama Baptist Retirement Centers, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Reps. Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-first legislative day and finds the same to be correct.

JACK BIDDLE, III,
Chairman.

On motion of Rep. Pegues, the reading at length of the Journal of the House for the twenty-first legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-first legislative day was approved.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 253. COMMENDING FORMER PROBATE JUDGE J. B. TOLAND AND CLAY COUNTY COMMISSIONERS JORDAN, DENNY, CATCHINGS AND BROOKS.

Also:

H. J. R. 271. COMMENDING MISS PAMELA PHILLIPS FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 283. MOURNING THE DEATH OF MR. CHARLES R. BYRD, PROMINENT BIRMINGHAM REALTOR AND CIVIC LEADER.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 118. To repeal Section 12-15-67 of the Code of Alabama 1975 relating to the use of statements of children made during legal custody prior to a determination or conviction.

Also:

H. 271. To repeal Section 12-18-89, Code of Alabama 1975, which prohibits probate judges from practicing law.

Also:

H. 154. To establish standards under which municipalities, in Classes 7 and 8, may purchase personal services or personal property from the elected officials of such municipalities under certain enumerated circumstances and conditions; to require disclosures; to establish procedures; and to repeal conflicting laws and statutes.

Also:

H. 381. To amend Section 41-4-156 of the Code of Alabama 1975 which provides for the printing of acts and resolutions in pamphlet form, so as to require the printing of local acts as well as the general acts in pamphlet form, and to provide further for the distribution of pamphlet acts.

McDOWELL LEE,
Secretary.

RESOLUTION

The following resolution was introduced:

By Rep. Pegues:

H. R. 284. BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That when the House adjourns today, Wednesday, April 21, 1981, we adjourn to meet again on Thursday, April 22, 1981, at 10:00 A. M.

On motion of Rep. Pegues, the rules were suspended and the resolution, H. R. 284, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Biddle, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolutions and ordered same returned to the House with a favorable report:

S. J. R. 151. COMMENDING THOSE INDIVIDUALS WHO RENDERED EXTRAORDINARY SERVICE IN CONNECTION WITH THE HURRICANE FREDERIC REFORESTATION PROJECT.

On motion of Rep. Biddle, the resolution, S. J. R. 151, was adopted.

Also:

S. J. R. 150. EXTENDING BEST WISHES AND A FOND FAREWELL TO LOU ELLIOTT.

On motion of Rep. Biddle, the resolution, S. J. R. 150, was adopted.

Also:

S. J. R. 154. DESIGNATING MAY 3 THROUGH 10, 1981, AS ALABAMA ALCOHOL AWARENESS / MARRIAGE AND FAMILY WEEK.

On motion of Rep. Biddle, the resolution, S. J. R. 154, was adopted.

LEAVE OF ABSENCE

At the request of Rep. Holmes, leave of absence was granted for Reps. McCorquodale, Bedsole, Cabaniss, Parker and Seibels, due to business out of the state.

At the request of Rep. Manley, leave of absence was granted for Rep. Hines, due to illness.

BILLS ON SECOND READING

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 961. To make further provisions for the issuance of bonds by the Tombigbee Valley Development Authority by amending Section 33-17-12 of the Code of Alabama, 1975, so as to exempt all bonds issued by the Authority from certain laws of the State relating to usury.

H. 962. To make further provisions for the issuance of bonds of the Tombigbee Valley Development Authority by amending Act No. 681, Page 930, Acts of Alabama, Regular Session of 1976, Volume II, so as to exempt all bonds issued by the Authority from certain laws of the State relating to usury.

H. 964. To amend Sections 12-16-58, 12-16-70, 12-16-74, 12-16-76, 12-16-100 to provide for the drawing selecting, empaneling, and summoning of juries in both civil and criminal cases; to provide a random selection formula for filling the master jury box; to abolish the requirements of a special venire and that excusals be heard in the presence of the defendant; to provide for a minimum number of qualified jurors from which to strike in criminal cases and to provide for the number of strikes available to the district attorney and the defendant; and further to provide for an optional combined qualification and summons process from the master list that, notwithstanding any provisions of Title 12, Section 16, Code of Alabama 1975, which eliminates the master jury box and modifies the juror qualification process; to provide for computerization of the selection process; and to repeal Sections 12-16-71, 12-16-75, 12-16-77, 12-16-79, 12-16-102, 12-16-120, 12-16-121, 12-16-122, 12-16-123, 12-16-124, 12-16-125, 12-16-126, and 12-16-127, Code of Alabama 1975.

H. 936. To allow the court in a divorce or separate maintenance action to order either parent to support his mentally or physically disabled child regardless of the child's age.

H. 579. To authorize the Director of the Department of Public Safety to enter into and carry out the provisions of the Nonresident Violator Compact of 1977, a compact which provides nonresident motorists receiving a traffic citation in a participating state the opportunity to receive the same privileges and sanctions offered to resident motorists; it provides definitions and exceptions.

S. 185. To amend Section 26-14-1, Code of Alabama 1975, relating to the reporting of abuse or neglect of children, so as to explicitly add the terms "sexual exploitation" or "attempted sexual exploitation" to the definition of child abuse and to explicitly define the terms "sexual abuse" and "sexual exploitation."

S. 389. To amend further Section 6-5-332, Code of Alabama 1975, relating to liability for civil damages as a result of rendering first aid or emergency care to certain injured persons, so as to include within the protective provisions of that section certain other persons rendering first aid or emergency care.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 132. To amend Section 34-27-7, Code of Alabama 1975, which relates to the Real Estate Commission, so as to increase the membership of said commission.

H. 785. To amend Section 36-26-26 of the Code of Alabama 1975 relating to the state merit system and providing the procedure for the lay off of state employees so as to clarify the consideration of seniority and the use of the reemployment list.

S. 283. To amend sections 10-2A-70 and 17-22-3 of the Code of Alabama 1975 relating to campaign contributions, so as to remove certain prohibitive language relating to the type of contributions that may be made by certain political committees.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

S. 383. (With Amendments): To further regulate and control alcoholic beverage transactions in Alabama under the control and supervision of the alcoholic beverage control board; to prohibit and make unlawful delivery of alcoholic beverages from without the state to within the state, except to the Alabama alcoholic beverage control board and its licensed manufacturers, importers, wholesalers and to warehouses; to provide for punishment therefor; and to repeal laws or parts of laws in conflict herewith.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 428. To make further provisions for the issuance of obligations by Alabama federal aid highway finance authority by amending article 10 of chapter 1 of Title 23 of the Code of Alabama of 1975 so as to provide for the issuance and use of proceeds of obligations of the authority for the purpose of anticipating and providing for not only the federal share of the cost of constructing interstate and defense highways but also for the purpose of anticipating and providing for the federal share of the costs of constructing state highways to the extent that the said highways constitute primary highways as defined in section 23-1-301; to delete the requirement that obligations be issued only for the purpose of providing funds to pay the federal share of the costs of constructing highway projects qualifying for reimbursement from the United States of America on a nine to one matching basis and to permit obligations of the authority to be issued and proceeds thereof to be expended for payment of any cost of constructing any interstate, defense or primary highway which is to be repaid or reimbursed to the state by the said United States pursuant to the written agreement provided for in this article; to amend section 23-1-300 of the said Code so as to provide that obligations of the authority shall be payable solely from federal-aid highway funds to be received during the federal fiscal years ending in 1978 through 1995 (rather than the federal fiscal years 1978 through 1983); to amend section 23-1-301 of

the said Code by (i) permitting the issuance of temporary bonds in coupon form, (ii) amending the definition of bond to include refunding bonds issued to refund outstanding obligations, (iii) amending the definition of note by further defining a note as an obligation which recites on its face that it is issued in anticipation of the sale by the authority of bonds and which is payable to the order of a named payee, and (iv) further defining a temporary bond as an obligation issued by the authority which recites on its face that it is issued in anticipation of the sale by the authority of bonds; to amend section 23-1-307 of the said Code by (i) deleting the provision of the said section which provides that the cost to be reimbursed by the federal government does not include the expense of borrowing or interest on obligations issued by the authority, and (ii) providing that the authority may from time to time sell and issue refunding bonds for the purpose of refunding any then outstanding obligations of the authority and to provide that the provisions of the said section limiting the aggregate principal amount of bonds to \$212,000,000 shall not apply to refunding bonds; to extend from eight to fifteen years the maximum permissible maturity date of bonds; to delete the requirement of section 23-1-310 of said Code that the bonds be sold only at public sale and at a price at least equal to their face value and to provide that any obligation of the authority may be sold either at public or private sale and at such prices as may be deemed most advantageous by the board of directors, but that none of the obligations may be sold for a price less than 97% of their par or face value; to exempt all obligations issued by the authority from the laws of the state governing usury or prescribing or limiting interest rates, including, but without limitation to, the provisions of chapter 8 of Title 8 of the code of Alabama of 1975; to amend Section 23-1-313 of the said Code by (i) deleting the prohibition with respect to the use of the proceeds of obligations of the authority for payment of fees of fiscal agents or financial consultants, and (ii) providing that proceeds of refunding bonds may be used for payment of principal of and interest on any outstanding obligations of the authority and for payment of any redemption premium necessary in order to redeem or retire the said outstanding obligations; to amend section 23-1-314 of the said Code by (i) extending the period for which funds to be received by the state from the United States government may be pledged to the federal fiscal year ending in 1995, and (ii) providing that the said funds received from the federal government during any federal fiscal year should be set aside to pay not only those obligations of the authority which mature during such federal fiscal year but also any obligations which are subject to mandatory redemption by the authority during any such federal fiscal year; and to make certain other clarifying changes and to correct certain typographical errors.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 870. (With Substitute): To create the Alabama Indian Affairs Commission; to provide for its duties and membership; to provide the method of appointment and compensation of said members; and repeals Sections 41-9-700 through 41-9-707, Code of Alabama 1975.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 550. To provide that the Board of Trustees of the University of Alabama, at its discretion, may continue the employment of employees 70 years of age or older; and to repeal conflicting laws.

S. 362. To amend Section 33-15-6 of the Code of Alabama 1975, relating to the powers, duties and functions of the Bear Creek Development Authority, so as to authorize the hiring of park rangers to enforce certain rules and regulations including those of Section 33-15-7(c); to give conservation enforcement officers the same authority; and to give said rangers and officers the power and authority of deputy sheriffs over any property owned or under the jurisdiction of the Bear Creek Development Authority.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 852. To amend section 20-2-2 (4) of the Code of Alabama, 1975, as amended to substitute the Medical Licensure Commission for the State Board of Medical Examiners as a certifying board for the purpose of administering the Alabama Uniform Controlled Substances Act as it relates to physicians and osteopaths; and to amend section 20-2-56 of the Code of Alabama, 1975, as amended, to give the rule making power presently held by the State Board of Medical Examiners to the Medical Licensure Commission.

S. 8. To amend Section 22-21-77 of the Code of Alabama 1975, so as to further provide for the powers of county hospital boards and corporations.

Rep. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 931. To provide that fees may be charged and collected from time to time for the privilege of obtaining or using certain credit cards, or certain other open end credit plan, that entitles the user: (a) to purchase or lease goods or services from at least 25 persons, or (b) to obtain loans or other extensions of credit from time to time from one or more persons, or (c) to do both; to provide that such fees shall not constitute finance charges or interest for any purpose; to provide that the provisions of this act are cumulative and are not in derogation of other rights; and to provide for severability, the repeal of conflicting laws or parts of laws and for the effective date of this act.

H. 956. To amend Section 5-18-11 of the Code of Alabama 1975 relating to books, accounts and records of licensees under the Alabama Small Loan Act so as to provide further for annual reports of such licensees.

S. 59. Relating to interest and usury: To amend Act No. 80-435 of the 1980 Legislature of Alabama and Section 8-8-5, Code of Alabama 1975, relating to certain loans to which usury laws do not apply, so as to provide that such laws do not apply to any person or entity, whether or not organized for profit, nor to any transaction thereunder, whether or not in default; to define terms used therein; to repeal Section 1(e) of Act No. 80-435; to repeal conflicting laws; to provide that provisions of this Act are severable; and, to provide for an effective date.

Rep. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 692. To amend section 16-23-2, Code of Alabama 1975, relating to the certification of teachers, so as to provide a schoolteacher the option of doing graduate work leading to a master's degree or beyond completely in his field and to be certified and paid as if teacher education courses had been a part of his curriculum.

Rep. Venable, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 846. (With Substitute): Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officials in the various counties of the State charged with the assessing and collecting of ad valorem taxes.

The above bill was read a second time at length as required by the Constitution.

Rep. Venable, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 847. (With Substitute) (With Amendment): To establish and fix the salaries of the tax assessors, tax collectors, revenue commissioners, license commissioners or other persons charged with assessing and collecting ad valorem taxes in the various counties of this State; to abolish the fee system of compensation of such officials presently on a fee system; to provide for the **method of payment** of the salaries herein established; to provide for the **personnel and other expenses necessary to the operation** of such officials' offices; to provide that employees of the officials herein **converted from a fee** to a salary basis of compensation may continue their employment irrespective of the Alabama Ethics Act or any State nepotism laws; to provide for the payment of the fees, commissions and allowances paid to such officials presently on a fee system to be paid into the treasury from which their salaries are paid; to provide for cost-of-living increases to the salaries herein established; to repeal all laws in conflict; and to establish the effective date of this Act.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 569 Providing for purging the lists of registered voters in Wilcox County; requiring and prescribing the procedure for the reidentification of registered voters; placing certain duties on the board of registrars and the county governing body relative to the reidentification of registered voters.

S. 17. Relating to Etowah County; to amend Section 1 of Act No. 302, H. 1043, Regular Session 1977 (Acts 1977, p. 403), relating to branch banks, so as to provide further for such banks.

H. 844. Relating to Dale County; providing further for the expense allowance of the members of the county board of education and repealing Act No. 77, H. 458, Regular Session 1965 (Acts 1965, p. 104).

H. 914. Relating to Henry County, to change the method of compensating the judge of probate; to fix such compensation; to provide that fees, commissions, allowances, percentages and other charges heretofore collected for the use of the judge of probate shall be collected and paid into the general fund of the county; and to make provision for the personnel, quarters and supplies for the probate office.

H. 915. Proposing an amendment to the Constitution of Alabama, 1901, relative to the fees and compensation of the judge of probate of Henry County.

The above bill was read a second time at length as required by the Constitution.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 930. (With Substitute): To alter, rearrange and extend the boundary lines and corporate limits of the town of Grant, Alabama.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 943. Relating to Calhoun County; amending Act No. 963, S. 1177, 1975 Regular Session (Acts 1975, p. 1996), which provides for a civil service system for the City of Oxford, so as to increase the compensation of the board members of said system.

H. 946. To levy a finance charge or a tax of five cents per acre to be assessed against lands located in Barbour County, Alabama, which are used for timber growing purposes, to provide protection against forest fires within Barbour County; and prescribing the procedure for the collection of such assessments.

H. 947. To authorize the Barbour County Commission to provide protection against uncontrolled fires and to assist with and encourage the use of beneficial forestry practices, such as plowing fire lanes, assisting in controlled burning, etc., within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

H. 959. Authorizing the Board of County Commissioners or like governing body of Jackson, Alabama, to appropriate and pay county funds to volunteer nonprofit fire departments and volunteer nonprofit corporations or organizations, organized for the purpose of providing volunteer service in emergency situations arising in said Jackson County, for the purchase of equipment, materials and supplies.

H. 978. Relating to DeKalb County; fixing the fee for the issuance of a pistol permit by the sheriff and providing for the deposit of such fees in a sheriff's fund and repealing Act No. 370, S. 570, 1971 Regular Session (Acts 1971, p. 663).

H. 979. To propose an amendment to the Constitution of Alabama of 1901 relating to Lauderdale County that would empower each local school tax district within the Lauderdale County school district in said county,

when authorized at an election therein, to levy and collect a special district school tax not exceeding ten mills on the assessed valuation of the taxable property in such district for public school purposes in such district, and conferring upon the county board of education of said county the power under some circumstances and without an election to change the boundaries of any local school tax district in said county or consolidate any two or more local school tax districts therein.

The above bill was read a second time at length as required by the Constitution.

H. 980. Relating to St. Clair County; to amend sections 1 and 2 of Act No. 79-607, H. 938, Regular Session 1979 (Acts 1979, p. 1075) relating to the taxation of certain alcoholic beverages in the county, so as to increase said tax and to discontinue the use of tax stamps.

H. 985. Relating to Phenix City; amending Section 3.11 of Act No. 71, H. 114, 1977 Regular Session (Acts 1977, p. 78), which provides for a council-manager form of government in certain municipalities based on a population classification, so as to provide for the filling of vacancies in the council of such municipality.

H. 986. Relating to the city of Phenix City; to further provide for the qualifications to engage in the bail bond business for the release of persons held by the city of Phenix City.

H. 987. Relating to Russell County; to provide that all monies hereafter accruing to Russell County which are dedicated to the construction, maintenance and repair of roads and bridges and traffic control shall be paid into the county road and bridge fund; to repeal Act No. 251, H. 701, Regular Session 1969 (Acts of 1969, p. 583), and Act No. 684, H. 1109, Regular Session 1971 (Acts of 1971, p. 1410), and any other laws which conflict herewith.

H. 988. Relating to Russell County; to provide for an additional expense allowance for the members of the county board of registrars.

H. 989. To amend and re-enact Act No. 403, H. 107, Regular Session 1975 (Acts of 1975, p. 1002), entitled, "An Act To provide for an increase in the compensation of the bailiffs of the circuit court of the 26th judicial circuit," so as to provide that the compensation provided in said Act shall be designated as an expense allowance.

H. 990. Relating to Russell County; to provide an expense allowance for the county coroner; to repeal Act No. 306, H. 745, Regular Session 1971 (Acts 1971, p. 607) and Act No. 460, H. 1119, Regular Session 1975 (Acts 1975, p. 1087) and other conflicting acts.

H. 991. Relating to Russell County; to authorize the county commission to hire a county license inspector; to prescribe the duties and compensation of such inspector and to repeal specifically Act No. 79-595 of the 1979 Regular Session of the Legislature and all other laws in conflict with this act.

H. 992. Relating to Russell County; to amend Section 4 of Act No. 408, S. 689, Regular Session 1978 (Acts of 1978, p. 393), which relates to the method of compensating certain county officers in Russell County, and providing for a clerk hire allowance for each such office, so as to provide further for the hiring of clerks in said office.

H. 993. To authorize the Russell County commission to levy a privilege or license tax on persons, corporations, co-partnerships, companies, agencies and associations selling, distributing, or delivering any malt or brewed beverages to retailers in Russell County except within the city limits of Phenix City and Hurtsboro and two cents in the Phenix City and Hurtsboro police jurisdictions; to authorize the county commission to collect the tax and to effect distribution thereof to Russell County to be used for the county school system and the county general fund; to authorize the county commission to make rules and regulations to govern enforcement and collection of the tax; to provide for the use of the proceeds derived from the tax; and to repeal Act No. 80-487, H. 933, 1980 Regular Session (Acts 1980, p. 757), relating to a levy of a privilege or license tax for the sale of malt or brewed beverages to certain retailers in Russell County.

H. 995. Proposing an amendment to the Constitution of Alabama of 1901 authorizing Chilton County to levy and collect a special property tax on property outside the corporate limits of any incorporated municipality in such county, the proceeds of which shall be used to provide fire, medical and emergency services to unincorporated areas of the county; providing for its operation if approved by a majority of the qualified electors of the county.

The above bill was read a second time at length as required by the Constitution.

H. 996. Relating to DeKalb County; to provide for the distribution of funds received by the county from payments in lieu of taxes made by the Tennessee Valley Authority.

H. 998. Relating to Macon County; providing further for the expense allowances of the members of the jury commission; repealing Act No. 80-776, S. 130, 1980 Regular Session (Acts 1980, p. 1611); and providing for the termination of the provisions of this Act.

H. 999. Relating to Macon County; providing a travel allowance for members of the county commission.

H. 1000. To provide for a special recording fee, in addition to all existing recording fees and charges for documents hereafter filed for record in Macon County; and to prescribe the use thereof.

H. 1001. Relating to Macon County; to provide for an additional expense allowance for the Board of Registrars of said county; and to repeal Act No. 421, H. 1008, 1965 Regular Session (Acts 1965, p. 623).

H. 1002. Relating to Macon County; amending further Act No. 102, H. 237, Regular Session 1935 (Local Acts 1935, p. 38), which relates to the selection of the superintendent of education and prescribes his duties, qualifications, compensation and term of office, so as to provide further for his compensation.

H. 1003. To amend Act No. 80-512, 1980 Regular Session, relating to a work release program for Macon County, so as to alter the composition of the board.

H. 1004. Relating to Macon County; authorizing the county commission and the sheriff to employ additional deputies sheriff and jail personnel in order to comply with the mandates of the federal courts.

H. 1005. Relating to Macon County; providing for a travel allowance for members of the county board of education.

H. 1006. Relating to Macon County; providing for a certain law enforcement substation program throughout the county and establishing a certain trust fund for the support of such program; providing for the hiring of certain additional deputies to staff such substation and providing that the county shall finance certain costs of such program.

H. 1007. Relating to Macon County; regulating further certain costs and charges of the probate court and certain other fees of the probate judge.

Rep. Sandusky, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, , and it was read a second time and placed on the Calendar, to-wit:

H. 683. To provide a supplement to the salaries of circuit court bailiffs in the Thirteenth Judicial Circuit.

Rep. Sandusky, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 839. (With Amendment): To establish the Mobile County Litter Control Act of 1981; to provide purpose and intent; to provide for definitions, penalties, enforcement and collection of fines. To provide for an effective date, severability and the repeal of conflicting acts.

Rep. Sandusky, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, , and they were severally read a second time and placed on the Calendar, to-wit:

H. 905. Relating to Mobile County; to prohibit the possession of certain firearms on parts of the Escatawpa River.

H. 935. To amend Title 16, Section 39, Subsection 7 of the Code of Alabama, 1975, so as to require that twenty (20) percent of the teacher units now allocated for the instruction of Exceptional Children in Mobile County be reallocated for the gifted child.

Rep. Gregg, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 571. Relating to Madison County; to amend Section 1 of Act No. 120, H. 599, Regular Session of 1973 (Acts 1973, p. 153), so as to provide further for expense allowances of certain county officers.

H. 994. To provide for and create the Huntsville-Madison County Racing Commission, for the regulating, licensing and supervision of greyhound racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the Commission; to provide for and regulate the parimutuel of certificate method of wagering within the enclosure of licensed racetracks; to provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of the Act; to provide certain penalties for the violation of this Act and for other purposes relative thereto; and to provide for a referendum of the voters of the county on the question of whether the Act will become effective in the county.

H. 958. Relating to Madison County, Alabama; providing further for the compensation of the members of the Madison County Board of Education.

H. 902. To authorize a procedure whereby the Sheriff of Madison County, Alabama is authorized to offer for public auction to the highest bidder for cash abandoned and stolen personal property which has been recovered by the Sheriff's Department of Madison County and stored by said Department but which has been unclaimed after six (6) months; to provide that such auctions are to be made after notice of the time and place thereof shall have been given publication once a week for two weeks in a newspaper of general circulation published in Madison County, Alabama or by posting in a conspicuous place at the Madison County Courthouse; to provide that the first publication or posting of said notice shall be twenty days before the said auction; to provide a procedure for the conduct of said auction; to provide that the owner of any of the abandoned or stolen property recovered and stored by the Sheriff of Madison County, Alabama may redeem the same at anytime prior to its sale by paying any reasonable storage or maintenance costs incurred and a pro rata cost of publication and further providing that after deducting and paying all expenses incurred in storing or auctioning the said property, all proceeds from the sale of said property shall be paid into the general fund of Madison County, Alabama.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 957. Relating to Perry County; to amend further Section 1 of Act No. 348, H. 868, Regular Session 1969 (Acts 1969, p. 720), relating to a clerk hire allowance and expenses of the tax assessor and tax collector, so as to provide for an additional clerk for the tax assessor.

H. 970. Relating to Lowndes County; fixing the fee for issuance of a pistol permit fee by the sheriff; providing for the distribution and use of such fees; and to repeal Act No. 119, H. 108 (Acts of Alabama 1969, p. 190), Regular Session 1969, as amended, and all other laws or parts of laws in conflict herewith.

H. 971. Relating to Randolph County; providing further for an expense allowance for the county commission of said county.

H. 972. Relating to county health officers or administrators in Randolph County; authorizing such persons to issue official death certificates; and providing penalties for violation of this Act.

S. 504. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Banks, in Pike County.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Smith (C) (With Notice and Proof):

H. 1008. To alter, re-arrange and extend the boundaries and corporate limits of the CITY OF MONTEVALLO, ALABAMA; so as to incorporate certain territory as described herein.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1008, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Stout:

H. 1009. To amend Section 34-22-20 of the Code of Alabama 1975 relating to the qualifications of applicants to practice optometry.

Health.

By Rep. Stout:

H. 1010. To provide an appropriation of funds which are available to the Division of Employment Security of the Alabama Department of Industrial Relations out of funds credited to this State's account in the Unemployment Trust Fund by the Secretary of the Treasury of the United States of America pursuant to Section 903 of the Social Security Act, as amended, for the purpose of purchasing land and constructing a building in Ft. Payne, Alabama, and at such other locations as the Director shall determine to be in the best interest of the State and/or purchasing furnishings and equipment therefor and the cost of which does not in total exceed the amount of the appropriation. Such buildings are to be occupied by the Division of Employment Security of the Department of Industrial Relations of the State of Alabama, the same to be used exclusively by employees of said Division of Employment Security.

Ways and Means.

By Rep. Payne:

H. 1011. To provide that certain public transit authorities may be refunded money paid for state gasoline taxes and may be refunded a portion of the purchase price of diesel fuel.

Ways and Means.

By Rep. Reed (With Notice and Proof):

H. 1012. To authorize the Macon County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1012, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Gafford:

H. 1013. Relating to the feeding of prisoners by sheriffs; to amend Section 14-6-42, Code of Alabama 1975, which provides for the daily allowance for feeding prisoners, so as to increase said allowance.

Ways and Means.

By Rep. Harper (T):

H. 1014. To amend Section 39-2-6 of the Code of Alabama 1975, relating to certain bid procedures for public improvement contracts, so as to exempt certain construction projects of the Department of Corrections from such procedures.

State Administration.

By Rep. Harper (T):

H. 1015. To amend Section 32-6-50 of the Code of Alabama 1975, relating to license tags and plates so as to provide that appropriations made for the Board of Corrections for production of such tags and plates, whenever the design of validation stickers and/or license plates is altered, or for the production of new or special tags, be adjusted according to the consumer price index.

State Administration.

By Rep. Harper (T):

H. 1016. To amend section 14-3-30, Code of Alabama 1975, relating to the temporary confinement of a convict sentenced to the penitentiary pending removal for confinement, so as to provide for additional data to be furnished by the clerk of the court to the department of corrections.

State Administration.

By Reps. Penry and McMillan:

H. 1017. To amend Sections 11-50-310, 11-50-311, 11-50-313, and 11-50-321, Code of Alabama 1975, which provide that municipal utility boards may acquire, operate and finance cable television systems in the same manner as other utility systems, so as to provide further for said systems.

Commerce, Transportation and Utilities.

By Rep. Adams (H) (With Notice and Proof):

H. 1018. Relating to the Town of Cedar Bluff, in Cherokee County; authorizing the town of Cedar Bluff as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable services to the residents of the town and to residents of the municipal corporations and surrounding territory; prescribing its power in connection therewith; authorizing and regulating the issuance and security of bonds and other evidence of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidence of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1018, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Amari:

H. 1019. To amend Section 32-8-86, Code of Alabama 1975, relating to the removal or falsification of an identification number, registration or license date of a vehicle or an engine, so as to provide for the forfeiture and condemnation of a vehicle or an engine seized pursuant to this section.

Judiciary.

By Reps. Rains and Shoemaker:

H. 1020. To provide for participation in the Employees' Retirement System by blind vendors associated with the Business Enterprise for the Blind administered by the Division of Rehabilitation and Crippled Children Service of the state Department of Education; and to authorize annual appropriations from funds available to the Division of Rehabilitation and Crippled Children Service in amounts sufficient to carry out the provisions of this act.

Ways and Means.

By Reps. Rains, Zoghby and Cosby:

H. 1021. Relating to abortions and certain unemancipated minors; providing for notification of parents or guardians of unemancipated minors who plan to have abortions; making certain exceptions for medical emergency; providing proceedings whereby abortions may be obtained by certain mature minors or when in the minor's best interest without such notification; providing a judicial proceeding to determine such maturity or interests; providing that performance of an abortion in violation of notification requirements constitutes Class B misdemeanor; and prescribing penalties for such misdemeanor.

Health.

By Rep. Gafford:

H. 1022. To provide that state employees' existing benefits and certain future benefits shall not be affected by any employees' reclassification plan.

Judiciary.

By Rep. Holmes (With Notice and Proof):

H. 1023. Relating to Montgomery County; to provide that a patient in a emergency situation shall be treated by the nearest hospital emergency room.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1023, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Waggoner (With Notice and Proof):

H. 1024. Approving and authorizing the City of Vestavia Hills, Alabama, to levy and collect an additional valorem tax for each of the next four (4) taxable years beginning October 1, 1981, in the amount of ten (10) mills based upon the value of the property therein as fixed for state taxation, to be

used for general municipal purposes, provided the levy of said tax shall be subsequently approved by a majority vote of the qualified electors of Vestavia Hills, who vote on the proposed increase at an election called and held for that purpose and scheduled for May 12, 1981.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1024, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

RESOLUTIONS

The following resolution was introduced:

By Rep. Ray:

H. J. R. 285. URGING THE CONGRESS TO PASS LEGISLATION REQUIRING WARNING LABELS ON ALCOHOLIC BEVERAGE CONTAINERS.

WHEREAS, alcohol is America's worst drug causing more illness, injury and death than all other drugs combined; and

WHEREAS, the National Institute on Alcohol Abuse and Alcoholism in its 1979 report estimated the costs to the United States of the excessive use of alcohol at \$61,004,250,000 breaking down the costs as follows:

Lost Production	\$28,026,280,000
Health and Medical	18,179,980,000
Motor Vehicle Accidents	7,334,780,000
Violent Crime	4,081,220,000
Social Responses	2,768,380,000
Fire Losses	613,610,000
	\$61,004,250,000; and

WHEREAS, the ignorance of the dangers in the use of alcoholic beverages is widespread and there is an urgent need to alert our citizens to the dangers and to inform the public of these dangers especially the facts that using alcoholic beverages too fast and too much in a short period of time can cause sickness or death; may impair driving ability; may create dependence or addiction; and during pregnancy may harm the unborn; and

WHEREAS, efforts in the past have been inadequate to the educational needs of our people; and

WHEREAS, many warnings on labels of other drugs and products have been helpful in reducing a multitude of problems arising out of unwise use of such products; and

WHEREAS, the warnings on cigarette packages and in advertisements have produced many beneficial results; and

WHEREAS, a proper concise limited warning on the labels of alcoholic beverage bottles would perform a very helpful function in causing people to seek detailed information about the dangers in the use of alcohol, and in many circumstances would be preferable to other forms of government action, which might be more intrusive or more costly; and

WHEREAS, warning labels can be an effective adjunct to other private and public health education efforts; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we urge the Congress of the United States to pass a bill to mandate a warning label on all alcoholic beverage bottles sold in interstate commerce, and that due consideration be given to a proposed warning with the following text:

WARNING:

USING THIS PRODUCT,

Too fast may cause sickness or death;
May impair driving ability;
May create dependence or addiction; and
During pregnancy may harm the unborn

LEGAL AGE REQUIRED FOR PURCHASE

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to members of the Alabama Congressional Delegation, the Speaker of the United States House of Representatives, the President of the United States Senate, and the chairpersons of the Senate and House Committee to which such bills may be referred.

The resolution, H. J. R. 285, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Letson:

H. R. 286. COMMENDING THE LAWRENCE COUNTY HIGH SCHOOL BAND OF MOULTON, ALABAMA, IN SWEEPING TOP HONORS AT THE KNOXVILLE, TENNESSEE, DOGWOOD ARTS FESTIVAL BAND COMPETITION.

Also:

The following resolution was introduced:

By Rep. Letson:

H. J. R. 287. CREATING THE LEGISLATIVE JOINT INTERIM STUDY COMMITTEE ON PRISON WORK/RELEASE PROGRAMS.

WHEREAS, Governor Fob James, as receiver of the prison system and the Board of Corrections continue under federal court order mandating certain changes and improvements in the prison system and particularly with respect to overcrowding and related problems; and

WHEREAS, work-release programs designed to rehabilitate prisoners and making them productive are desirable when properly implemented and with selective candidates to insure the safety of our citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint interim legislative committee which shall be composed of 8 members, 4 of which shall be appointed by each the President of the Senate and the Speaker of the House, the chairman to be selected by and from among the membership, shall be formed to examine all aspects of the operations of the Board of Corrections and any other departments or agencies involved in prison work-release programs. The committee shall be known as the Joint Interim Study Committee on Prison Work-Release Programs. The committee shall have subpoena powers and powers to punish for contempt. It shall make diligent inquiry and a full examination of Alabama's present and long term needs with respect to work-release and shall file reports of their findings and recommendations to the Alabama Legislature not later than the 10th legislative day of the 1982 regular session, on which date the interim committee hereby established shall automatically be dissolved.

Upon request of the Chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses incurred within the State for each day he attends a meeting of the committee when the Legislature is not session or when the Legislature is in recess without pay. Each legislative member shall further be entitled to actual expenses for travel outside the State of Alabama which is deemed necessary by the Chairman and in accordance with the objectives of the committee. Such sums shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman; provided, however, the total of such sums shall not exceed \$7,000.00

The resolution, H. J. R. 287, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 783. To propose an amendment to the Constitution of Alabama of 1901 relating to road bonds for Washington County.

McDOWELL LEE,
Secretary,

SENATE MESSAGE

On motion of Rep. Turner, the House concurred in and adopted the Senate amendment to the bill, H. 783, said Senate amendment being as follows: Amend House Bill 783, page 2, line 23 after the word "election" by inserting the following: "or any special election"

Yeas 49; Nays 0.

Yeas:

Reps. Adams (C), Barton, Bennett, Blake, Boles, Brakefield, Carter, Clark (G), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Edwards, Gilmer, Goodwin, Greer, Gregg, Grimsley, Hammett, Harvey, Holley, Holmes, Horn,

Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Manley, Minus, Mitchell, Olive, Owens, Pegues, Penry, Ray, Roberts, Shavers, Shoemaker, Smith (C), Starkey, Stout, Turner, Williams, Willis, Wyatt and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 783 as thus amended, was again read at length and passed.

Yeas 76; Nays 0.

Yeas:

Reps. Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Olive, Owens, Parker, Pegues, Penry, Rains, Ray, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Turner Turnham, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—76

MESSAGE FROM THE SENATE

Mr. Speaker:

The senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Barron:

S. J. R. 161. COMMENDING OUR STATE EMPLOYEES FOR THEIR CONTINUING DEDICATED SERVICE TO STATE GOVERNMENT.

WHEREAS, our state employees perform innumerable vital and necessary services for the general public of the State of Alabama; and

WHEREAS, a staggering amount of work is routinely and skillfully processed on a daily basis by state employees who conscientiously and consistently discharge their duties and responsibilities in a professional and competent manner; and

WHEREAS, the quality of these services has never been compromised, regardless of circumstances, as our state employees take great pride in their performance on the job; and

WHEREAS, in recent weeks there have been regrettable misunderstandings concerning a number of executive and legislative proposals that might well have an effect on the compensation and benefits of state employees; and

WHEREAS, morale among state employees has understandably been low in recent weeks due to a preponderance of rumors throughout this legislative session; and

WHEREAS, the vast majority of state employees have maintained their composure and have in no way allowed such rumors to adversely affect their productivity; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the state employees of Alabama are hereby commended for their continuing dedicated service to state government; we stand in tribute to their loyalty, in praise of their perseverance, and express our heartfelt gratitude for their labors on behalf of the State of Alabama and its citizens.

McDOWELL LEE,
Secretary,

SENATE MESSAGE

On motion of Rep. Biddle, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 161, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

Messrs. deGraffenried, Bailey, Barron, Callahan, Cook, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Kenner, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White:

S. J. R. 158. COMMENDING SENATOR CHARLES W. BRITNELL ON HIS APPOINTMENT AS PRESIDENT OF NORTHWEST ALABAMA STATE JUNIOR COLLEGE, PHIL CAMPBELL, ALABAMA.

WHEREAS, it is with utmost pleasure, and in enthusiastic concurrence, that the Alabama Legislature notes the appointment of Senator Charles W. Britnell as President of Northwest Alabama State Junior College at Phil Campbell, Alabama; and

WHEREAS, our good friend and colleague, Charlie Britnell, is eminently qualified for this prestigious position as a graduate of David Lipscomb College, and of North Texas State University where he received a Master's Degree in guidance and counseling; he has studied additionally on the graduate level in pursuit of his doctorate in student personnel services in higher education at the University of Alabama; and

WHEREAS, a former real estate broker and building contractor, he is now a member of the faculty of the institution he has been chosen to direct; and

WHEREAS, Mr. Britnell also is a minister of the Isbell Church of Christ and has further distinguished himself in service to the Legislature and the State of Alabama since his 1978 election to the Alabama Senate, District 2, representing Marion, Lamar and Fayette Counties and portions of Franklin and Colbert Counties, as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate and most highly commend Senator Charles W. Britnell as President of Northwest Alabama Junior College, and direct that he be presented with a copy of this resolution in token of our warmest personal regard.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Biddle, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 158, set out in the above and foregoing Message from the senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. deGraffenried and Robertson:

S. J. R. 156. MOURNING THE DEATH OF MISS ROSEMARY LACKEY OF TUSCALOOSA, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Biddle, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 156, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Callahan:

S. J. R. 160. AMENDING ACT NO. 81-294, S. J. R. 121, 1981 REGULAR SESSION, WHICH CREATES A JOINT INTERIM COMMITTEE TO INVESTIGATE THE FEASIBILITY OF CREATING A PERPETUAL INTEREST FUND AND ANY OTHER INVESTMENTS AND/OR EXPENDITURES FOR THE WINDFALL STATE OIL LEASE REVENUES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 81-294, S. J. R. 121, 1981 Regular Session, is hereby amended to read as follows:

"WHEREAS, the State of Alabama finds a unique opportunity in the large windfall accruing to the state from its recent oil leases; and

"WHEREAS, no legislature in the history of Alabama has had the opportunity to address the critical needs of the state without imposing burdensome taxes upon the people; and

"WHEREAS, the possibility exists of placing the revenues of the oil leases in a perpetual interest fund and/or other investments; and

"WHEREAS, it is the responsibility of this Legislature to carefully and wisely weigh the alternatives of expending these oil lease revenues; now therefore,

"BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a continuing legislative committee be established, consisting of the seven members of the Senate and the seven members of the House appointed by the Presiding Officer in each house which composes the present membership of the interim committee established by Act No. 81-294 to investigate the feasibility of establishing a perpetual interest fund and any other investment and/or expenditures that would prove to be to the best interest of the taxpayers in the State of Alabama. Each member of the committee shall be entitled to his regular legislative compensation, his per diem, mileage and travel expenses. Said money shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman. Provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session, but they shall receive their travel expenses for all meetings attended and for any travel upon the business of the committee.

"Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide clerical assistance as may be necessary for the committee's work.

"BE IT FURTHER RESOLVED, That the committee meet with the leaders of state agencies, representatives of banks and all other financial institutions to determine the best possible method of investment."

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 160, set out in the above and foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Callahan:

S. J. R. 162. AMENDING ACT NO. 81-294, S. J. R. 121, 1981 REGULAR SESSION, WHICH CREATES A JOINT INTERIM COMMITTEE TO INVESTIGATE THE FEASIBILITY OF CREATING A PERPETUAL INTEREST FUND AND ANY OTHER INVESTMENTS AND/OR EXPENDITURES FOR THE WINDFALL STATE OIL LEASE REVENUES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 81-294, S. J. R. 121, 1981 Regular Session, is hereby amended to read as follows:

"WHEREAS, the State of Alabama finds a unique opportunity in the large windfall accruing to the state from its recent oil leases; and

"WHEREAS, no legislature in the history of Alabama has had the opportunity to address the critical needs of the state without imposing burdensome taxes upon the people; and

"WHEREAS, the possibility exists of placing the revenues of the oil leases in a perpetual interest fund and/or other investments; and

"WHEREAS, it is the responsibility of this legislature to carefully and wisely weigh the alternatives of expending these oil lease revenues; now therefore,

"BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a continuing legislative committee be established, consisting of the seven members of the Senate and the seven members of the House appointed by the Presiding Officer in each house which composes the present membership of the interim committee established by Act No. 81-294 to investigate the feasibility of establishing a perpetual interest fund and any other investment and/or expenditures that would prove to be to the best interest of the taxpayers in the State of Alabama. Each member of the committee shall be entitled to his regular legislative compensation, his per diem, mileage and travel expenses. Said money shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman. Provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session, but they shall receive their travel expenses for all meetings attended and for all travel upon the business of the committee.

"BE IT FURTHER RESOLVED, That the committee shall have authority to employ all necessary staff to perform the functions of this committee and employees of the committee shall be paid out of any funds appropriated for the use of the legislature.

"BE IT FURTHER RESOLVED, That the committee meet with leaders of state agencies, representatives of banks and all other financial institutions to determine the best possible method of investment."

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 162, set out in the above and foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

SPECIAL ORDER ADOPTED ON THE TWENTY-FIRST DAY RESUMED

And the bill:

H. 906. Relating to Tallapoosa County; providing for an additional allowance for election officials who work at polling places.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 41; Nays 0.

Yeas:

Reps. Adams (C), Barton, Bennett, Blake, Boles, Brakefield, Campbell, Carter, Cates, Cheatwood, Cooley, Cosby, Crow, Daniels, Edwards, Goodwin, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holmes,

Johnson (R. G.), Kelley, Laird, Langford, Minus, Mitchell, Olive, Pegues, Rains, Ray, Shavers, Starkey, Stout, Turner, Venable, Ward, Willis and Wyatt.

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 942 RE-REFERRED

No objection being offered, the Speaker Pro-tem re-referred the bill, H. 942, from the Standing Committee on Local Legislation No. 2, to the Standing Committee on Ways and Means.

SPECIAL ORDER RESUMED

And the bill:

H. 878. To amend Sections 3.02, 3.05, 3.12, 3.15 and 4.04 of Act 618, H. 796, 1973 Regular Session of the Legislature (Acts 1973, p. 879), relating to the Mayor-Council form of government in cities with a population of not less than 70,000 nor more than 135,000 inhabitants according to the 1970 or any subsequent federal decennial census, so as to further provide for the Council of such cities to set per diem allowances, salaries, or expense allowances (with certain limitations); to require persons seeking council seats to pay a certain qualifying fee or submit a petition containing a minimum number of signatures of registered voters; to allow the Council to set its meeting days; and to further provide for the salary of the Mayor (with certain limitations).

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 33; Nays 0.

Yeas:

Reps. Adams (C), Barton, Bennett, Blake, Boles, Brakefield, Carothers, Cates, Cheatwood, Cosby, Daniels, Edwards, Grimsley, Hall, Harper (O), Harvey, Holmes, Horn, Langford, McMillan, Minus, Mitchell, Rains, Reed, Smith (C), Starkey, Stout, Trammell, Turner, Ward, Williams, Wyatt and Zoghby.

—33

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 880. To reopen the Montgomery County employees' retirement system for prior service credit for certain employees of Montgomery County who did not become members of said system on the last date of effective participation for such employees; to provide that as prerequisites to such credit,

members must make certain contributions therefor and must be contributing members of said retirement system in the active service of Montgomery County, the employer for whom such prior service was rendered and to provide that Montgomery County shall pay such employers costs as are necessary with respect to its employees subject to this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 38; Nays 0.

Yeas:

Reps. Adams (C), Albright, Barton, Bennett, Blake, Boles, Bowling, Brakefield, Cheatwood, Clark (W), Cosby, Daniels, Dixon, Drinkard, Edwards, Ford, Greer, Grouby, Hall, Hammett, Harper (O), Holmes, Kelley, Langford, McKee, McMillan, Mitchell, Naramore, Olive, Pegues, Ray, Smith (C), Starkey, Stout, Trammell, Turner, Wyatt and Zoghby.

—38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 913. Relating to Montgomery County; providing for the compensation of the sheriff.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yeas:

Reps. Adams (C), Albright, Barton, Bennett, Blake, Boles, Bowling, Brakefield, Carothers, Cheatwood, Clark (W), Cosby, Daniels, Dixon, Drinkard, Edwards, Ford, Goodwin, Greer, Grimsley, Hall, Harper (O), Harper (T), Harvey, Holmes, Horn, Johnson (Roy), Langford, Lewis, Minus, Mitchell, Naramore, Olive, Patton, Pegues, Ray, Smith (C), Stewart, Stout, Trammell, Venable, Warren, Williams and Wyatt.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 911. (With Amendments): To provide that the operation of bingo games for prizes or money only by qualified organizations for bona fide charitable, educational, or other lawful purposes shall be legal in Montgomery County; to provide for permits or licenses, applications, forms and contents to operate bingo, to provide for special permits or licenses to prohibit

certain activities and impose special requirements; to provide for fees and expenses; to provide for the disposition of proceeds; to provide for the operation of bingo; to operate for the keeping of records and their inspection; to provide for the issuance and revocation of permits or licenses; to provide for supervision by the circuit court; to provide for certain powers and duties of the sheriff; to provide for penalties and forfeitures; and to provide that this act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing bingo in Montgomery County, and approved at a referendum on the subject in the county; provided, however, if said amendment is approved by a majority of the voters casting ballots thereon in Montgomery County, no further referendum is needed.

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Local Legislation No. 4, said committee amendment being as follows:

Amend H. 911 as follows:

On page 2, line 9, before the word "veterans' " delete the word "or"

On page 2, line 27, delete "five (5)" and insert in lieu thereof two (2)

On page 2, line 33 delete the word "only" and on line 34 after the word "charitable" insert a comma and delete the word "or" and on line 34 after "educational" add: or other lawful purposes

On page 5, line 24 after "another" add: Provided, however, with the consent of the sponsoring organization any individual participant may use his personal care; this provision does not exempt such individual from any fees or charges.

On page 6, in line 34 delete the period and add , except as otherwise provided in Section 7 (b).

On page 8, in line 18 delete the words "suspend or"

On page 8, in lines 21 and 22 delete the words "suspension or" and in 35 delete the word "suspension"

On page 9 in line 17 delete the word "suspended" and insert in lieu thereof revoked and in line 23 delete the word "suspension," and in line 24 after the word "revocation" delete the comma and in line 26 after the word "the" delete the word "suspension," and delete the comma after the word "revocation"

On page 9 in line 31 delete the words "or suspensions"

And the amendment was adopted.

Yeas 27; Nays 1.

Yeas:

Reps. Adams (C), Barton, Bennett, Blake, Boles, Brakefield, Cosby, Dixon, Drinkard, Edwards, Ford, Goodwin, Greer, Hall, Harper (O), Holmes, Horn, Langford, Mitchell, Naramore, Olive, Patton, Pegues, Reed, Stout, Trammell and Wyatt.

—27

Nay: Rep. Grouby.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Local Legislation No. 4, said committee amendment being as follows:

Amend H. B. 911, Section 7 (d), page 5, line 35 by striking after the word including the following: but not limited to

And the amendment was adopted.

Yeas 22; Nays 1.

Yeas:

Reps. Adams (C), Barton, Bennett, Blake, Boles, Brakefield, Cosby, Dixon, Drinkard, Ford, Greer, Hall, Harper (T), Harvey, Holmes, Langford, Mitchell, Naramore, Reed, Trammell, Wyatt and Zoghby.

—22

Nay: Rep. Grouby.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 911 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 17; Nays 4.

Yeas:

Reps. Barton, Bennett, Blake, Boles, Brakefield, Dixon, Greer, Harvey, Holmes, Horn, Langford, Naramore, Olive, Reed, Stout, Trammell and Wyatt.

—17

Nays: Reps. Grouby, McKee, Smith (C) and Ward.

—4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 912. Proposing an amendment to the Constitution of 1901; relating to legalizing the operation of bingo games for prizes or money by certain non-profit organizations for charitable or educational purposes in Montgomery County.

Was read a third time at length and lost, lacking a three-fifths vote of all those elected to the House.

Yeas 41; Nays 7.

Yeas:

Reps. Albright, Barton, Bennett, Boles, Bowling, Brakefield, Buskey, Carter, Cates, Cheatwood, Clark (W), Daniels, Dixon, Escott, Goodwin, Hall, Hammett, Harper (T), Harrison, Harvey, Holmes, Horn, Howard, Jackson, Kennedy, McMillan, Mitchell, Naramore, Olive, Patton, Payne, Penry, Ray, Riddick, Smith (M), Starkey, Stout, Tucker, Venable, Wyatt and Zoghby.

—41

Nays:

Reps. Blake, Grouby, Laird, Langford, McKee, Reed and Ward.

—7

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker, Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 262. EXTENDING BEST WISHES TO MISS ANNE ELIZABETH CAMPBELL AND MR. HAROLD WILLIAM BLOOM, JR.

Also:

H. J. R. 264. HONORING MR. TOM JOINER FOR EXTRAORDINARY SERVICE WITH THE GEOLOGICAL SURVEY OF ALABAMA SINCE 1961.

Also:

H. J. R. 267. HONORING THE UNITED STATES MARINE CORPS AND ALL THOSE WHO HAVE SERVED IN ITS CAUSE OF FREEDOM.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker, Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolutions, to-wit:

H. 118. To repeal Section 12-15-67 of the Code of Alabama 1975 relating to the use of statements of children made during legal custody prior to a determination or conviction.

Also:

H. 154. To establish standards under which municipalities, in Classes 7 and 8, may purchase personal services or personal property from the elected officials of such municipalities under certain enumerated circumstances and conditions; to require disclosures; to establish procedures; and to repeal conflicting laws and statutes.

Also:

H. 271. To repeal Section 12-18-89, Code of Alabama 1975, which prohibits probate judges from practicing law.

Also:

H. 381. To amend Section 41-4-156 of the Code of Alabama 1975 which provides for the printing of acts and resolutions in pamphlet form, so as to require the printing of local acts as well as the general acts in pamphlet form, and to provide further for the distribution of pamphlet acts.

Also:

H. J. R. 253. COMMENDING THE FORMER PROBATE JUDGE J. B. TOLAND AND CLAY COUNTY COMMISSIONERS JORDAN, DENNY, CATCHINGS AND BROOKS.

Also:

H. J. R. 271. COMMENDING MISS PAMELA PHILLIPS FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 283. MOURNING THE DEATH OF MR. CHARLES R. BYRD, PROMINENT BIRMINGHAM REALTOR AND CIVIC LEADER.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and House Joint Resolutions, the titles of which are set out in the above and foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 223. A bill to be known as the "Deceptive Trade Practices Act"; defining certain words and phrases; defining and prohibiting unlawful trade practices; providing for exemptions from this Act; authorizing the Attorney General and the District Attorneys to restrain prohibited acts and to seek other relief; providing for private actions; authorizing the Attorney General and District Attorneys to investigate for prohibited acts and issue subpoenas; providing penalties; and establishing a statute of limitations.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Clark (G), the House concurred in the Senate amendment to the bill, H. 223, said Senate amendment being as follows:

Amend House Bill No. 223 by inserting the following words after the last word on line 27 of page 3 of the bill, and before the words "Section 5." appearing on line 28 of page 3.

"(d) Nothing contained in this Act shall also be deemed to supersede, take precedent over, or preempt, any remedy, either criminal or civil, available to the Commissioner of Agriculture and Industries or the Board of Agriculture and Industries in the enforcement of those laws and regulations under the jurisdiction of the Commissioner or the Board."

Amend House Bill No. 223 page 6, Line 32, by striking out the following after the word "commerce"

"including but not limited to excessive charges by hospitals"

Amend House Bill No. 223 Page 6, Line 32, by striking out "for profit" after the word "hospitals"

Amend House Bill 223, Section 7 (c), on page 7 beginning at line 26, by deleting § (c) in its entirety and substituting in lieu thereof the following:

"(c) Any person or activity which its subject to the provisions of the Alabama Insurance Code, viz Act No. 407 of the 1971 regular session, now appearing in the Code of Alabama 1975, Title 27, as amended, or any bank or affiliate of a bank which is regulated by the state banking department of Alabama, the comptroller of the currency of the United States, federal deposit insurance corporation or the board of governors of the federal reserve system, or to any person or activity which is subject to the provisions of the Code of Alabama 1975, Title 10, Chapter 4, Article 6, or to the regulated activities of any utility, telephone company or railroad which is regulated by Alabama public service commission;"

Yeas 47; Nays 14.

Yeas:

Reps. Adams (C), Bennett, Blake, Brakefield, Buskey, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Hammett,

Harper (O), Harper (T), Holmes, Horn, Jackson, Kelley, Laird, Minus, Mitchell, Naramore, Olive, Owens, Payne, Penry, Ray, Reed, Sandusky, Sasser, Starkey, Stewart, Ward, Willis and Zoghby.

—47

Nays:

Reps. Albright, Barton, Bowling, Cooley, Gilmer, Greer, Grimsley, Hall, Holley, Johnson (R. G.), Patton, Smith (C), Smith (M) and Stout.

—14

And the bill, H. 223 as thus amended, was again read at length and passed.

Yeas 62; Nays 0.

Yeas:

Reps. Adams (C), Barton, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Horn, Jackson, Johnson (R. G.), Kelley, McMillan, Minus, Mitchell, Naramore, Olive, Owens, Payne, Penry, Rains, Ray, Reed, Sandusky, Sasser, Shoemaker, Smith (C), Starkey, Stewart, Stout, Warren, Willis, Wyatt and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolutions, your signature thereto is requested:

S. 60. To permit a period of silence to be observed for the purpose of meditation or voluntary prayer at the commencement of the first class of each day in all public schools.

Also:

S. 104. To extend the statute of limitations in regard to violations of the competitive bid laws.

Also:

S. 105. To amend Section 41-16-50, Code of Alabama 1975, relating to competitive bids, so as to further require certain municipal and county boards to let competitive bids on certain service and rental contracts and in certain instances where cumulative contracts awarded to an individual or a business entity exceed a certain monetary amount; and to provide certain exceptions thereto.

Also:

S. 143. To amend Section 11-42-21, Code of Alabama, 1975, which section provides additional alternative procedures whereby incorporated municipalities with populations of 2,000 or more may alter their corporate

limits, so as to provide a procedure for altering the corporate boundaries of such incorporated municipalities in the event one or more such incorporated municipalities have overlapping police jurisdictions.

Also:

S. 219. To amend § 12-19-150, Code of Alabama 1975, to provide that in the interest of justice a judge may, in his discretion enter an order dismissing a case prior to trial, conditioned upon payment of the docket fee and other court costs; and to provide an effective date.

Also:

S. 508. Relating to Lee County; providing for an additional allowance for election officials who work at polling places.

Also:

S. 109. To amend § 9-11-147 of the Code of Alabama 1975 so as to provide further for the marking and identification of slat boxes used for commercial fishing.

Also:

S. J. R. 152. MOURNING THE DEATH OF MR. DANNY C. MORRISON OF TUSCALOOSA, ALABAMA.

Also:

S. J. R. 153. ENCOURAGING OUR CITIZENS TO SUPPORT THE ECONOMY OF ALABAMA AND THE NATION THROUGH THEIR PURCHASE AND USE OF AMERICAN-MADE GOODS.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate bills and Senate Joint Resolutions, the titles of which are set out in the above and foregoing message from the Senate.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Howard to suspend the rules in order to take up out of order the bill, H. 843, was lost, lacking a four-fifths vote.

Yeas 11; Nays 6.

Yeas:

Reps. Amari, Bennett, Biddle, Cheatwood, Gafford, Howard, Lewis, Moore, Olive, Payne and Waggoner.

—11

Nays:

Reps. Escott, Harrison, Horn, Jackson, Trammell and Tucker.

—6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Clark (W):

H. R. 288. MOURNING THE DEATH OF DEACON JEFF KIM-BROUGH OF PRICHARD, ALABAMA.

Also:

The following resolution was introduced:

By Rep. Moore:

H. J. R. 289. RECOGNIZING MR. J. E. BEARDEN FOR OUTSTANDING COMMUNITY SERVICE.

WHEREAS, the Alabama Legislature notes that J. E. "Ned" Bearden of Shelby County, through the years, has exemplified all that is high and worthy in the civic, religious, social and economic life of our citizens, all for the betterment of this state; he is living proof that leadership prompted by the heart is a mark of greatness; and

WHEREAS, J. E. "Net" Bearden, President and Chairman of the Board of First Bank of Alabaster since 1967, has been prominent in many worthwhile religious, civic and social endeavors, as member of: Board of Directors of the **Federal Land Bank; Alabama Cattlemen's Association; the Masonic Lodge; the Zamora Shrine; Circus Daddy Club; the Shelby County Board of Education from 1957 to 1969 and the Shelby County Commission from 1969 to 1981; the Board of Directors of Consolidated Dairies for twenty years; and a forty-year member, past president and member of the Board of Directors of Shelby County Farm Bureau; sponsor of the Alabama Policeman's Association; and Shelby County Division Chairman, United Way for Jefferson-Shelby-Walker Counties, 1980; and**

WHEREAS, the Riverchase Church of Christ has recognized the spiritual commitments of J. E. Bearden, by conferring its highest office, elder, on him; and

WHEREAS, J. E. "Ned" Bearden, by his example of unselfish devotion and energies to the betterment of his fellow human beings, has earned for him many honors; and

WHEREAS, the numerous prestigious honors conferred on J. E. Bearden for outstanding community service include: Progressive Farmer Family Award, 1963; Century Member, Boy Scouts of America 1974 and Sustaining Member, Boy Scouts of America 1980; Honorary Member of West Shelby Emergency Unit, 1975; Civitan Citizen of the Year, 1977; Leadership Award for outstanding contributions generating educational and economic growth through improvement of agriculture, home economics, 4-H programs, and the development of community facilities and services in 1977; and Man of the Year Award by the Birmingham Area Chamber of Commerce, 1977; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That with deep appreciation and heartfelt praise, we express our highest regard and esteem to J. E. "Ned" Bearden for the many outstanding contributions he has made in service to his community, church and state.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. J. E. "Ned" Bearden.

On motion of Rep. Moore, the rules were suspended and the resolution, H. J. R. 289, was adopted.

SPECIAL ORDER RESUMED

And the bill:

H. 500. To amend section 32-5A-80, Code of Alabama 1975, relating to driving on the right side of a roadway so as to require all traffic to drive in the right-hand lane then available unless specifically exempted under certain conditions.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Reps. Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Biddle, Blake, Boles, Bowling, Campbell, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harrison, Holmes, Horn, Howard, Johnson (R. G.), Kelley, McMillan, Manley, Minus, Mitchell, Moore, Olive, Payne, Pegues, Penry, Ray, Riddick, Sasser, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Tucker, Turner, Waggoner, Warren, Whatley, Willis, Wyatt and Zoghby.

—64

CO-SPONSORS ADDED

Reps. Gilmer, Amari, Tucker, Reed, Howard, Blake and Bennett were added as co-sponsors to the bill, H. 500.

RESOLUTION

The following resolution was introduced:

By Rep. Pegues:

H. R. 290. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn today, Wednesday, April 22, 1981, we adjourn to meet again on Thursday, April 23, 1981 at 10:00 A.M.

On motion of Rep. Pegues, the rules were suspended and the resolution, H. R. 290, was adopted.

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Langford offered the motion to reconsider the vote by which the bill, H. 912, was lost, and the motion to reconsider was adopted.

Yeas 54; Nays 7.

Yeas:

Reps. Adams (H), Albright, Barton, Bennett, Biddle, Buskey, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cosby, Crow, Daniels, Dixon, Drinkard, Ford, Gafford, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (T), Holmes, Horn, Howard, Johnson (R. G.), Kennedy, Langford, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Payne, Penry, Ray, Reed, Roberts, Shavers, Starkey, Stewart, Stout, Trammell, Tucker, Turner, Williams, Willis, Wyatt and Zoghby.

—54

Nays:

Reps. Brakefield, Grouby, Holley, Laird, McKee, Smith (C) and Ward.

—7

H. 912 TEMPORARILY POSTPONED

On motion of Rep. Langford, the bill, H. 912, was temporarily postponed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Messrs. Higginbotham and Little (With Notice and Proof):

S. 602. Relating to Lee County; providing an expense allowance for the coroner.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 102, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 602. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Britnell:

S. 444. To provide for mechanical sewage treatment plants for use to treat wastewater from individual homes.

Also:

By Messrs. Parsons, Robertson and Harrison:

S. 423. To amend Section 40-23-4, Code of Alabama 1975, which relates to exemptions from the state sales tax, so as to exempt the gross receipts on the sale of wood residue from such tax.

Also:

By Mr. Higginbotham:

S. 510. To prescribe that all public school systems shall allow official recruiting representatives of the armed or military forces of the United States or of the state reasonable access to their facilities and students for the purpose of presenting recruiting programs, administering tests, and generally informing students on occupational and educational options.

Also:

By Mr. Teague:

S. 406. To amend Code of Alabama 1975, §40-12-248(d) so that truck tractors used for the transportation of household goods, personal furniture, other household effects, farm produce, farm products and forest products will not be subject to the annual license taxes and registration fees set forth in §40-12-248(d), supra.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 444. Health.

S. 423. Ways and Means.

S. 510. Judiciary.

S. 406. Ways and Means.

SPECIAL ORDER RESUMED

And the bill:

H. 916. This bill amends Section 6-5-462 so as to provide that all claims not of an equitable nature (except for injury to the reputation) survive in favor of and against personal representatives.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 40; Nays 0.

Yeas:

Reps. Adams (H), Albright, Amari, Barton, Bennett, Bowling, Brakefield, Buskey, Campbell, Clark (G), Clark (W), Cooley, Cosby, Crow, Goodwin, Greer, Hammett, Horn, Howard, Johnson (R. G.), Kelley, Lewis, Manley,

Minus, Mitchell, Naramore, Olive, Payne, Rains, Riddick, Roberts, Shoemaker, Smith (C), Smith (J), Starkey, Trammell, Turner, Waggoner, Willis and Wyatt.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 912 RECONSIDERED

And the bill, H. 912, was again read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 8.

Yeas:

Reps. Adams (H), Albright, Amari, Barton, Bennett, Biddle, Bowling, Buskey, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Daniels, Dial, Dixon, Drinkard, Ford, Gafford, Goodwin, Greer, Gregg, Grimsley, Hall, Hammett, Harper (T), Harrison, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Patton, Payne, Penry, Ray, Reed, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Waggoner, Williams, Willis, Wyatt and Zoghby.

—71

Nays:

Reps. Brakefield, Grouby, Laird, McKee, Olive, Rains, Smith (C) and Ward.

—8

And the bill:

H. 646. Establishing a state board of barber examiners and prescribing procedures for the licensing and practice of barbering and barber colleges and providing penalties for violations of this act.

Was taken up.

MOTION TO POSTPONE

Rep. Hammett offered the motion to postpone consideration of the bill, H. 646, to the twenty-third legislative day.

MOTION TO TABLE LOST

The motion offered by Rep. Patton to table the motion to postpone offered by Rep. Hammett, was lost.

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Yeas 27; Nays 33.

Yeas:

Reps. Amari, Bowling, Brakefield, Carter, Cheatwood, Clark (G), Cobb, Coburn, Cosby, Escott, Gilmer, Goodwin, McMillan, Manley, Moore, Naramore, Olive, Patton, Payne, Penry, Riddick, Roberts, Shavers, Smith (M), Starkey, Stewart and Stout.

—27

Nays:

Reps. Adams (C), Barton, Blake, Boles, Buskey, Cates, Clark (W), Dial, Drinkard, Edwards, Ford, Gafford, Grouby, Hammett, Harper (O), Howard, Johnson (R. G.), Kennedy, Lewis, Minus, Pegues, Ray, Sasser, Shoemaker, Smith (C), Smith (J), Trammell, Turner, Ward, Warren, Whatley, Willis and Wyatt.

—33

H. 646 POSTPONED

The question was then on the motion offered by Rep. Hammett to postpone the bill, H. 646, to the twenty-third legislative day, and the motion to postpone was adopted.

Yeas 43; Nays 12.

Yeas:

Reps. Adams (C), Adams (H), Amari, Barton, Buskey, Carter, Clark (G), Clark (W), Cobb, Cosby, Crow, Dial, Edwards, Escott, Gafford, Gilmer, Grouby, Hammett, Johnson (R. G.), Kennedy, Lewis, McMillan, Manley, Minus, Moore, Olive, Payne, Pegues, Penry, Ray, Riddick, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Turner, Ward, Warren, Willis and Zoghby.

—43

Nays:

Reps. Albright, Bowling, Brakefield, Cheatwood, Coburn, Drinkard, Ford, Hall, Harvey, Howard, Naramore and Wyatt.

—12

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Sasser:

H. R. 291. HONORING MR. TROY C. TULLIS FOR SERVICE AND DEDICATION TO TRADE AND INDUSTRIAL EDUCATION IN ALABAMA.

SPECIAL ORDER RESUMED

And the bill:

H. 741. To amend Section 3 (f), Act No. 80-529, Acts of Alabama 1980, now appearing as Chapter 3A, Section 3(a)(9), Title 28, Code of Alabama 1975 and Section 11, Act No. 80-529, Acts of Alabama 1980, now appearing as Chapter 3A, Section 11, Title 28, Code of Alabama 1975 to further define a lounge retail liquor license.

Was taken up.

AMENDMENT OFFERED

Rep. Barton offered the following amendment to the bill, H. 741:

Amend H. 741, Section 2 on pages 1 and 2 to read as follows:

Section 2. Section 11, Act No. 80-529, Acts of Alabama 1980, now appearing as Chapter 3A, Section 11, Title 28, Code of Alabama 1975, is hereby amended to read as follows:

Section 11. Lounge Retail Liquor License.—Upon applicant's compliance with the provisions of this Code and the regulations made thereunder, the board shall, where the application is accompanied by a certificate from the clerk or proper officer setting out that the applicant has presented his application to the governing authority of the municipality, if the licensed premises is to be located therein, and has obtained its consent and approval, issue a retail liquor license which will authorize the licensee to purchase liquor and wine from the board or as authorized by the board and to purchase table wine, and beer, including draft or keg beer in any county or municipality in which the sale thereof is permitted, from any wholesaler licensee of the board and to sell at retail for on-premise consumption liquor and wine, dispensed from containers of any size, and beer, including draft or keg beer in any county or municipality in which the sale thereof is permitted, and to sell to patrons at retail for off-premise consumption liquor, wine and beer in original unopened containers of such size or sizes as are from time to time approved by the board. for on and off premise consumption. A lounge liquor license may permit dancing or provide other lawful entertainment on the licensed premises. No person under nineteen years of age shall be admitted on the premises of any lounge liquor licensee as a patron or employee, and it shall be unlawful for any such licensee to admit any minor to the premises as a patron or employee.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 25; Nays 14.

Yeas:

Reps. Albright, Barton, Blake, Boles, Clark (G), Cosby, Escott, Gilmer, Goodwin, Greer, Hall, Hammett, Johnson (R. G.), Lewis, McMillan, Manley, Minus, Mitchell, Moore, Payne, Penry, Shoemaker, Smith (J), Trammell and Zoghby.

Nays:

Reps. Brakefield, Carter, Cheatwood, Crow, Grouby, Naramore, Olive, Ray, Roberts, Smith (C), Ward, Whatley, Willis and Wyatt.

—14

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO POSTPONE

Rep. Payne offered the motion to postpone further consideration of the bill, H. 741 as amended, to the twenty-third legislative day.

MOTION TO TABLE LOST

The motion offered by Rep. Barton to table the motion to postpone offered by Rep. Payne, was lost.

Yeas 21; Nays 23.

Yeas:

Reps. Albright, Barton, Blake, Campbell, Clark (G), Clark (W), Coburn, Cooley, Cosby, Dixon, Hall, Manley, Minus, Mitchell, Naramore, Payne, Reed, Smith (J), Smith (M), Starkey and Zoghby.

—21

Nays:

Reps. Adams (C), Brakefield, Carter, Cheatwood, Drinkard, Ford, Gilmer, Greer, Grouby, Harvey, Holley, Johnson (R. G.), Lewis, Olive, Rains, Ray, Riddick, Roberts, Smith (C), Trammell, Ward, Willis and Wyatt.

—23

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 741 POSTPONED

The question was then on the motion offered by Rep. Payne to postpone further consideration of the bill, H. 741 as amended, to the twenty-third legislative day, and the motion to postpone was adopted.

Yeas 30; Nays 21.

Yeas:

Reps. Adams (C), Albright, Blake, Brakefield, Carothers, Carter, Cheatwood, Clark (G), Crow, Dial, Drinkard, Ford, Greer, Grouby, Harrison, Harvey, Holley, Johnson (R. G.), Manley, Olive, Payne, Ray, Riddick, Smith (C), Starkey, Stout, Ward, Whatley, Willis and Wyatt.

—30

Nays:

Reps. Barton, Campbell, Coburn, Cosby, Dixon, Goodwin, Hall, Hammett, Howard, Kelley, McMillan, Minus, Mitchell, Moore, Penry, Rains, Reed, Smith (J), Smith (M), Trammell and Zoghby.

—21

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTION

The following resolution was introduced:

By Rep. Patton:

H. R. 292. STATING THE HOUSE OF REPRESENTATIVES POSITION ON THE IMPROVEMENT OF STATE CORRECTIONAL FACILITIES.

WHEREAS, The Alabama House of Representative recognizes that crime and delinquency has become the number one concern of the citizens of Alabama, and

WHEREAS, this governing body has responded to this concern by passing many laws which call for stiffer penalties and swifter justice for both adult and juvenile offenders, and

WHEREAS, We recognize that our jails and detention centers are over-crowded and that our local governments are under a financial strain by housing state and juvenile offenders, and

WHEREAS, Both adult and juvenile correctional facilities are inadequate and over-crowded, and

WHEREAS, The new oil and gas lease monies give us an opportunity to respond to our citizens by improving our correctional facilities and getting both the juvenile and adult offender off the streets,

NOW THEREFORE BE IT RESOLVED, That the Alabama House of Representatives hereby declares its first priorities for Capital outlay to be the expansion and improvement of the State adult and juvenile correctional facilities.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Patton offered the motion to suspend the rules and adopt the resolution, H. R. 292.

DIVISION OF THE QUESTION

Rep. Biddle called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Patton to suspend the rules in order to take up for immediate consideration the resolution, H. R. 292, and the motion was lost.

Yeas 21; Nays 38.

Yeas:

Reps. Blake, Carothers, Carter, Coburn, Cooley, Ford, Gilmer, Greer, Hall, Harper (O), Harvey, Johnson (R. G.), Kelley, Letson, Minus, Patton, Riddick, Roberts, Smith (C), Smith (J) and Zoghby.

—21

Nays:

Reps. Adams (C), Albright, Amari, Barton, Bennett, Biddle, Boles, Brakefield, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Dial, Drinkard, Gafford, Grimsley, Grouby, Hammett, Howard, Kennedy, Lewis, McMillan, Manley, Mitchell, Moore, Naramore, Payne, Pegues, Penry, Rains, Ray, Shoemaker, Waggoner, Ward, Warren, Willis and Wyatt.

—38

The resolution, H. R. 292, was read and referred to the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

H. 347. To amend Section 21-7-4, Code of Alabama 1975, relating to the right of blind persons to be accompanied by a guide dog, so as to extend said right to persons using a hearing dog.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Reps. Adams (C), Adams (H), Albright, Bennett, Biddle, Blake, Boles, Brakefield, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Horn, Johnson (R. G.), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Sandusky, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—77

CO-SPONSORS ADDED

Reps. Drinkard, Smith (J), Smith (M) and Reed were added as co-sponsors to the bill, H. 347.

And the bill:

H. 157. To amend Section 31-6-9, Code of Alabama 1975, which section relates to certain educational benefits for wives, widows or dependents of Alabama veterans under Title 31, Chapter 6 of the Code of Alabama 1975, so as to provide that those dependents shall not lose benefits because of an interruption in schooling due to illness.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Reps. Adams (C), Adams (H), Barton, Bennett, Blake, Boles, Brakefield, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Crow, Dixon, Drinkard, Edwards, Escott, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harrison, Harvey, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Payne, Penry, Rains, Ray, Reed, Sandusky, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Turner, Ward, Williams, Willis and Wyatt.

—69

H. 584 AGAIN TAKEN UP

And the bill:

H. 584. To regulate all security guards in this State; to provide a title; to define certain terms; to create the Alabama Private Security Regulatory Board; to provide for powers and duties of such Board; to provide for licenses for persons engaged in a private security business; to provide for registration of proprietary and contract security guards; to provide for registration fees; to provide for qualifications; to provide for training requirements; to provide for carrying of firearms; to provide for uniform and motor vehicle identifying insignia; to provide for unlawful acts; and to provide for an effective date.

Which was postponed as amended on the twenty-first legislative day, was again taken up.

AMENDMENT OFFERED

Rep. Clark (G) offered the following amendment to the bill, H. 584 as amended:

On page 2, lines 4 and 5 strike the words "or to sell, supervise, operate, install, maintain or repair a security alarm system." and insert in lieu thereof:

or to operate the same. The provisions of this act shall not apply to any individual, firm, partnership, association or corporation engaged in the business of manufacturing, selling or installing security or fire alarm systems.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 33; Nays 19.

Yeas:

Reps. Albright, Biddle, Brakefield, Campbell, Carothers, Clark (G), Crow, Gafford, Gilmer, Grouby, Hall, Horn, Kelley, Langford, McKee, Manley, Minus, Moore, Naramore, Nevett, Olive, Payne, Penry, Reed, Roberts, Sasser, Smith (C), Smith (J), Trammell, Turner, Waggoner, Williams and Willis.

—33

Nays:

Reps. Adams (H), Blake, Carter, Cates, Drinkard, Ford, Hammett, Harper (T), Harrison, Letson, McMillan, Mitchell, Rains, Ray, Riddick, Starkey, Stewart, Stout and Wyatt.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 584 as thus amended, was read a third time at length and lost.

Yeas 27; Nays 41.

Yeas:

Reps. Amari, Biddle, Boles, Carothers, Cates, Cooley, Daniels, Drinkard, Ford, Gafford, Hammett, Horn, Johnson (R. G.), Kelley, Letson, McKee, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Ray, Reed, Trammell, Turner and Waggoner.

—27

Nays:

Reps. Albright, Blake, Brakefield, Buskey, Campbell, Carter, Cheatwood, Clark (W), Coburn, Crow, Dial, Gilmer, Greer, Grimsley, Hall, Harper (T), Harrison, Holley, Holmes, Howard, Kennedy, Laird, Langford, McMillan, Manley, Payne, Rains, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Ward, Williams, Willis and Wyatt.

—41

And the bill:

S. 195. To amend Section 32-9-21, Code of Alabama, 1975, which provides for a maximum permissible length for any motor bus driven or operated upon Alabama highways so as to further provide for a maximum permissible width for any such motor bus and to repeal all laws in conflict therewith.

Was read a third time at length and passed.

Yeas 58; Nays 6.

Yeas:

Reps. Adams (C), Adams (H), Albright, Amari, Bennett, Biddle, Blake, Brakefield, Buskey, Carothers, Carter, Clark (G), Cobb, Crow, Daniels, Dial, Drinkard, Escott, Ford, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Holmes, Horn, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Penry, Ray, Reed, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Williams, Willis and Wyatt.

—58

Nays:

Reps. Dixon, Gilmer, Hammett, Harrison, Payne and Rains.

—6

And the bill:

H. 529. To repeal Section 5-2A-103, Code of Alabama 1975, which provides for the payment of operating expenses of the bureau of credit unions.

Was taken up.

SUBSTITUTE OFFERED

Rep. Cates offered the following substitute to the bill, H. 529:

A BILL TO BE ENTITLED AN ACT

To amend Sections 5-2A-103 and 5-17-7, Code of Alabama 1975, which provide for the payment of operating expenses of the bureau of credit unions.

Be it enacted by the Legislature of Alabama:

Section 1. Section 5-2A-103, Code of Alabama 1975, is hereby amended to read as follows:

"§ 5-2A-103.

The expenses of operating the bureau of credit unions shall be paid out of such taxes, fees, assessments, penalties and other revenues collected by the bureau, and no taxes, fees, assessments, penalties or other revenues collected by the bureau of credit unions shall be used for any purposes other than the expenses of operating the bureau. Any excess moneys shall remain in the state treasury to the credit of the general fund. Any excess monies shall be paid into the special fund in the Treasury created under the provisions of Section 5-17-7, whether such excess monies were collected prior to 1981 or collected thereafter.

Section 2. Section 5-17-7, Code of Alabama 1975, is hereby amended to read as follows:

"§ 5-17-7.

(a) All credit unions examined by the bureau of credit unions shall pay examination fees, the exact amount of which shall be fixed from time to time by the supervisor of the bureau of credit unions, and in no event shall the maximum amount so fixed exceed the fee scales set out in this section:

(1) Credit unions having total assets of less than \$25,000.00 as of the effective date of the examination shall pay a fee not in excess of \$.50 for each full \$100.00 of assets, subject to a minimum of \$25.00.

(2) Credit unions with assets of \$25,000.00 or more as of the effective date of the examination shall pay a fee of \$54.00 per examiner day, plus \$.08 per \$100.00 of assets up to and including \$500,000.00 plus three and one-half cents per \$100.00 of assets of \$500,000.00 but not in excess of \$1,000,000.00 plus two and one-half cents per \$100.00 of assets over \$1,000,000.00 but not in excess of \$5,000,000.00 plus \$.01 per \$100.00 on all assets over \$5,000,000.00 subject to a minimum charge of \$125.00.

(b) Whenever application is made to the supervisor of the bureau of credit unions for permission to organize a credit union, the applicant shall at the time of filing the certificate of organization with the supervisor of the bureau of credit unions pay a fee not to exceed \$50.00 for the purpose of

paying the costs incidental to the determination by the supervisor of the bureau of credit unions whether such certificate of organization shall be approved. The supervisor of the bureau of credit unions shall from time to time fix the exact charge to be made, but in no event shall the charge exceed \$50.00. The provisions of this subsection shall not apply to any existing credit union seeking charter conversion.

(c) All fees collected under this section shall be paid into the special fund in the treasury created under the provisions of section 5-1-5 set up by the state treasurer. This special fund shall be used to pay the salaries of the officials and employees and the expenses of the bureau of credit unions, including the purchase of equipment, vehicles and supplies necessary for the examination and supervision of credit unions and may be spent by the supervisor of the bureau of credit unions for the uses and purposes specified in section 5-1-5 in the examination and supervision of credit unions, and no taxes, fees, assessments, penalties or other revenues collected by the bureau of credit unions shall be used for any purposes other than the expenses of operating the bureau. herein. No taxes, fees, assessments, penalties or other revenues collected by the bureau of credit unions shall be used for any purpose other than the expenses of operating the bureau.

Section 3. This Act shall become effective immediately upon its passage and approval of the Governor, or upon its otherwise becoming a law and this Act shall apply to any fees heretofore or hereafter collected by the bureau of credit unions.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 62; Nays 0.

Yeas:

Reps. Adams (C), Amari, Bennett, Biddle, Blake, Brakefield, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Crow, Daniels, Dial, Dixon, Drinkard, Escott, Ford, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Penry, Ray, Reed, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—62

And the bill:

H. 529. To amend Sections 5-2A-103 and 5-17-7, Code of Alabama 1975, which provide for the payment of operating expenses of the bureau of credit unions.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Reps. Adams (C), Albright, Amari, Bennett, Biddle, Blake, Boles, Buskey, Carothers, Carter, Cates, Cheatwood, Cobb, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gilmer, Goodwin, Greer, Grimsley,

Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Penry, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Stout, Turner, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—65

CO-SPONSOR ADDED

Rep. Bennett was added as co-sponsor to the bill, H. 529.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker, Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 223. A bill to be known as the "Deceptive Trade Practices Act"; defining certain words and phrases; defining and prohibiting unlawful trade practices; providing for exemptions from this Act; authorizing the Attorney General and the District Attorneys to restrain prohibited acts and to seek other relief; providing for private actions; authorizing the Attorney General and District Attorneys to investigate for prohibited acts and issue subpoenas; providing penalties; and establishing a statute of limitations.

Also:

H. 783. To propose an amendment to the Constitution of Alabama of 1901 relating to road bonds for Washington County.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

H. 604. To create an additional judgeship for the Thirty-third Judicial Circuit of Alabama; to provide for the election of the first judge and of subsequent judges to fill this judgeship; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judge, and to render such judge liable to all the pains and penalties of other circuit judges in this state; to increase the number of circuit judges in the Thirty-third Judicial Circuit of Alabama to two; to amend Section 12-17-20 of the 1975 Code of Alabama; to repeal all laws or parts of laws in conflict herewith, and to provide the effective date of this act.

Was taken up.

AMENDMENT OFFERED

Rep. Dial offered the following amendment to the bill, H. 604:

On page 3 line 14 strike the period (.) and add one such Judge shall reside in Clay or Coosa County.

AMENDMENT TABLED

On motion of Rep. Sasser, the amendment offered by Rep. Sasser to the bill, H. 604, was tabled.

Yeas 38; Nays 15.

Yeas:

Reps. Bowling, Campbell, Carothers, Carter, Cates, Clark (G), Cooley, Crow, Daniels, Dixon, Gafford, Grimsley, Grouby, Holmes, Langford, McKee, McMillan, Manley, Minus, Moore, Owens, Penry, Rains, Riddick, Roberts, Sandusky, Sasser, Shavers, Smith (C), Smith (M), Starkey, Stout, Trammell, Turner, Waggoner, Warren, Williams and Wyatt.

—38

Nays:

Reps. Albright, Blake, Brakefield, Cheatwood, Dial, Gilmer, Hall, Johnson (R. G.), Laird, Naramore, Payne, Pegues, Shoemaker, Whatley and Willis.

—15

MOTION TO POSTPONE

Rep. Naramore offered the motion to postpone further consideration of the bill, H. 604, to the twenty-fourth legislative day.

SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Riddick to indefinitely postpone the bill, H. 604, was lost.

Yeas 23; Nays 44.

Yeas:

Reps. Albright, Blake, Brakefield, Cheatwood, Gilmer, Goodwin, Greer, Hall, Harrison, Howard, Johnson (R. G.), Johnson (Roy), Laird, Letson, McKee, Naramore, Olive, Payne, Rains, Riddick, Shavers, Shoemaker and Whatley.

—23

Nays:

Reps. Bowling, Buskey, Campbell, Carothers, Carter, Clark (G), Coburn, Cooley, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Grimsley, Grouby, Harper (T), Harvey, Holley, Kelley, McMillan, Manley, Minus, Moore, Owens, Patton, Penry, Reed, Roberts, Sandusky, Sasser, Smith (C), Smith (M), Stout, Turner, Turnham, Waggoner, Warren, Williams, Willis and Wyatt.

—44

MOTION TO POSTPONE TABLED

The question was then on the motion offered by Rep. Naramore to postpone further consideration of the bill, H. 604, to the twenty-fourth legislative day, and on motion of Rep. Sasser, the motion to postpone was tabled.

Yeas 39; Nays 28.

Yeas:

Reps. Adams (H), Bennett, Bowling, Campbell, Carter, Cheatwood, Clark (G), Cooley, Daniels, Dixon, Drinkard, Edwards, Gafford, Grimsley, Grouby, Harper (T), Kelley, Kennedy, McMillan, Manley, Minus, Moore, Owens, Patton, Pegues, Penry, Reed, Roberts, Sandusky, Sasser, Smith (C), Smith (M), Stout, Turner, Waggoner, Ward, Warren, Williams and Wyatt.

—39

Nays:

Reps. Albright, Brakefield, Cates, Coburn, Crow, Dial, Ford, Gilmer, Goodwin, Greer, Hall, Harrison, Holley, Howard, Johnson, (R. G.), Laird, Letson, McKee, Naramore, Olive, Payne, Riddick, Shavers, Shoemaker, Stewart, Trammell, Whatley and Willis.

—28

SUBSTITUTE OFFERED

Rep. Dial offered the following substitute to the bill, H. 604:

A BILL
TO BE ENTITLED
AN ACT

To create an additional judgeship for the Thirty-third Judicial Circuit of Alabama; to provide for the election of the first judge and of subsequent judges to fill this judgeship; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judge, and to render such judge liable to all the pains and penalties of other circuit judges in this state; to increase the number of circuit judges in the Thirty-third Judicial Circuit of Alabama to two; to amend Section 12-17-20 of the 1975 Code of Alabama, to repeal all laws or parts of laws in conflict herewith, and to provide the effective date of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created an additional circuit judgeship for the Thirty-third Judicial Circuit, which shall be designated as judgeship No. 2. The existing judgeship shall be designated as judgeship No. 1. The additional judge shall be elected for a full term at the next general election for state officers in the manner provided by law and such judge shall hold office until a successor has been elected and qualified. Successors shall be elected in the same manner and for the same term as prescribed by law for other circuit judges.

Section 2. The judge of said circuit judgeship No. 2 shall have and exercise all of the jurisdiction, powers, rights, and authority and possess all of the qualifications, perform all the duties, and be subject to all the pains, obligations, and penalties that other circuit judges may exercise, perform, or be subject to.

Section 3. The additional circuit judge provided for in this act shall receive the same salary, and supplements payable in the same manner, as the other circuit court judge in the Thirty-third Judicial Circuit.

Section 4. Section 12-17-20 of the 1975 Code of Alabama is amended to read as follows:

"§ 12-17-20. (a) Except as otherwise provided in this section, each judicial circuit of the state shall have one resident circuit judge.

"(b) In the following judicial circuits, there shall be the number of resident circuit judges listed below:

"(1) There shall be two circuit judges in the first judicial circuit. The judge occupying judgeship No. 1 shall be the presiding judge.

"(2) There shall be 3 circuit judges in the fourth judicial circuit. One of said judges shall be known as the presiding judge and the other as the associate judge.

"(3) There shall be three circuit judges in the fifth judicial circuit.

"(4) There shall be five circuit judges in the sixth judicial circuit.

"(5) There shall be four circuit judges in the seventh judicial circuit.

"(6) There shall be three circuit judges in the eighth judicial circuit.

"(7) There shall be two circuit judges in the ninth judicial circuit.

"(8) There shall be 22 circuit judges in the tenth judicial circuit.

"(9) There shall be two circuit judges in the eleventh judicial circuit.

"(10) There shall be two circuit judges in the twelfth judicial circuit.

"(11) There shall be nine circuit judges in the thirteenth judicial circuit.

"(12) There shall be three circuit judges in the fourteenth judicial circuit.

"(13) There shall be six circuit judges in the fifteenth judicial circuit. At least two judges shall be assigned to the criminal division of said circuit, and one or more judges shall be assigned to the civil division, in the discretion of the presiding judge.

"(14) There shall be four circuit judges in the sixteenth judicial circuit.

"(15) There shall be three circuit judges in the eighteenth judicial circuit.

"(16) There shall be two circuit judges in the nineteenth judicial circuit.

"(17) There shall be three circuit judges in the twentieth judicial circuit.

"(18) There shall be two circuit judges in the twenty-second judicial circuit.

"(19) There shall be six circuit judges in the twenty-third judicial circuit.

"(20) There shall be two circuit judges in the twenty-fifth judicial circuit.

"(21) There shall be two circuit judges in the twenty-sixth judicial circuit.

"(22) There shall be two circuit judges in the twenty-seventh judicial circuit.

"(23) There shall be two circuit judges in the twenty-eighth judicial circuit.

"(24) There shall be two circuit judges in the twenty-ninth judicial circuit.

"(25) There shall be two circuit judges in the thirtieth judicial circuit.

"(26) There shall be two circuit judges in the thirty-first judicial circuit.

"(27) There shall be two circuit judges in the thirty-second judicial circuit.

"(28) There shall be two circuit judges in the thirty-third judicial circuit.

"(28) (29) There shall be two circuit judges in the thirty-seventh judicial circuit.

"(29) (30) There shall be two circuit judges in the thirty-eighth judicial circuit.

Section 5. All laws, and parts of laws, whether general, special or local, in conflict with the provisions of this act, are hereby repealed.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

SUBSTITUTE TABLED

On motion of Rep. Sasser, the substitute offered by Rep. Dial to the bill, H. 604, was tabled.

Yeas 36; Nays 30.

Yeas:

Reps. Bowling, Campbell, Carothers, Carter, Clark (G), Cooley, Crow, Daniels, Dixon, Edwards, Gafford, Grimsley, Holmes, Kelley, Langford, Letson, McMillan, Manley, Minus, Moore, Olive, Owens, Patton, Payne, Penry, Riddick, Roberts, Sandusky, Sasser, Shavers, Smith (M), Stout, Turner, Williams, Willis and Wyatt.

—36

Nays:

Reps. Albright, Amari, Bennett, Blake, Brakefield, Cheatwood, Dial, Drinkard, Escott, Ford, Gilmer, Goodwin, Greer, Hall, Harrison, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), McKee, Naramore, Nevett, Pegues, Smith (C), Starkey, Trammell, Tucker, Waggoner and Whatley.

—30

REGULAR SESSION
22nd Day

1497

And the bill, H. 604, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 27.

Yeas:

Reps. Adams (C), Amari, Bennett, Blake, Bowling, Campbell, Carothers, Carter, Clark (G), Cooley, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Grimsley, Grouby, Harper (O), Harper (T), Holmes, Horn, Kelley, Langford, McMillan, Manley, Minus, Moore, Olive, Owens, Patton, Penry, Roberts, Sandusky, Sasser, Smith (C), Smith (M), Stout, Trammell, Turner, Waggoner, Williams, Willis and Wyatt.

—45

Nays:

Reps. Albright, Brakefield, Cheatwood, Coburn, Dial, Gilmer, Goodwin, Greer, Hall, Harrison, Holley, Howard, Johnson (R. G.), Johnson (Roy), Letson, McKee, Naramore, Nevett, Payne, Pegues, Rains, Riddick, Shavers, Shoemaker, Starkey, Ward and Whatley.

—27

MOTION TO ADJOURN LOST

The motion offered by Rep. Minus that the House adjourn until 10:00 o'clock a. m., Thursday, April 23, 1981, was lost.

Yeas 25; Nays 46.

Yeas:

Reps. Blake, Brakefield, Buskey, Clark (G), Clark (W), Cooley, Crow, Grouby, Harper (O), Holmes, Howard, Jackson, Laird, Manley, Olive, Pegues, Ray, Reed, Smith (C), Trammell, Tucker, Warren, Whatley, Williams and Wyatt.

—25

Nays:

Reps. Adams (C), Albright, Amari, Barton, Bennett, Bowling, Carter, Cheatwood, Cobb, Coburn, Dial, Dixon, Escott, Ford, Goodwin, Greer, Gregg, Grimsley, Hall, Hammett, Harper (T), Horn, Johnson (R. G.), Kennedy, Letson, McKee, McMillan, Minus, Mitchell, Naramore, Owens, Patton, Payne, Penry, Riddick, Roberts, Sandusky, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Turner, Waggoner, Willis and Zoghby.

—46

SPECIAL ORDER RESUMED

And the bill:

H. 479. To prevent a public hospital from granting extra compensation to any officer or employee of the hospital or any contractor from receiving extra compensation after a service has been rendered or a contract made and to prevent an increase or decrease of compensation of officers during a term of office; nor shall a public hospital have authority to lend its credit or grant public money or thing of value to any individual, association, corporation, official, or employee.

Was taken up.

AMENDMENT OFFERED

Rep. Cobb offered the following amendment to the bill, H. 479:

Amend House Bill 479, Section 4, Page 2, Line 9, after the word "staff" by adding the following sentence: Nothing in Section three (3) of this act shall prohibit the guarantee of a reasonable income to any physician licensed to practice medicine for the purpose of performing the skills for which the person is trained.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 58; Nays 0.

Yeas:

Reps. Adams (C), Albright, Bennett, Blake, Bowling, Brakefield, Carothers, Carter, Cheatwood, Clark (G), Coburn, Cooley, Crow, Dixon, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Johnson (R. G.), Kennedy, Laird, Letson, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Patton, Payne, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sandusky, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Turner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—58

And the bill, H. 479 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 1.

Yeas:

Reps. Adams (C), Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Carothers, Carter, Cheatwood, Clark (G), Cobb, Coburn, Crow, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Holley, Horn, Johnson (R. G.), Kelley, Kennedy, Laird, Letson, Lewis, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Payne, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—65

Nay: Rep. Albright.

—1

MOTION TO ADJOURN LOST

The motion offered by Rep. Willis that the House adjourn until 10:00 o'clock a. m., Thursday, April 23, 1981, was lost.

Yeas 26; Nays 50.

Yeas:

Reps. Adams (H), Blake, Brakefield, Clark (G), Cosby, Crow, Edwards, Grouby, Harper (O), Holley, Howard, Laird, Manley, Minus, Olive, Payne, Pegues, Rains, Ray, Smith (C), Venable, Warren, Whatley, Williams, Willis and Wyatt.

—26

REGULAR SESSION
22nd Day

1499

Nays:

Reps. Adams (C), Albright, Amari, Barton, Bennett, Bowling, Buskey, Carothers, Carter, Clark (W), Coburn, Cooley, Dixon, Drinkard, Escott, Gilmer, Goodwin, Greer, Gregg, Hall, Hammett, Harper (T), Harvey, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Letson, Lewis, McKee, McMillan, Naramore, Nevett, Patton, Penry, Reed, Roberts, Sandusky, Sasser, Shavers, Smith (J), Smith (M), Starkey, Stewart, Stout, Turner, Waggoner and Zoghby.

—50

SPECIAL ORDER RESUMED

And the bill:

H. 806. To provide for and create the Huntsville-Madison County Racing Commission, for the regulating, licensing and supervision of Greyhound racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the commission; to provide for and regulate the parimutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of the Act; to provide certain penalties for the violation of this Act and for other purposes relative thereto; and to provide for a referendum of the voters of the county on the question of whether the Act will become effective in the county.

Which was temporarily postponed as amended on the nineteenth legislative day, was read a third time at length and passed as amended, and ordered sent forthwith to the Senate without engrossment.

Yeas 38; Nays 37.

Yeas:

Reps. Albright, Barton, Bennett, Bowling, Buskey, Carothers, Carter, Clark (W), Coburn, Escott, Gilmer, Goodwin, Greer, Gregg, Hall, Harper (T), Holmes, Horn, Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McMillan, Patton, Reed, Roberts, Sandusky, Shavers, Smith (M), Starkey, Stewart, Stout, Tucker, Turner, Waggoner and Zoghby.

—38

Nays:

Reps. Adams (C), Blake, Boles, Brakefield, Campbell, Cates, Cheatwood, Clark (G), Cosby, Crow, Drinkard, Edwards, Grimsley, Grouby, Harper (O), Harvey, Holley, Johnson (R. G.), Laird, McKee, Manley, Minus, Nevett, Olive, Payne, Pegues, Rains, Ray, Riddick, Smith (C), Turnham, Venable, Ward, Warren, Whatley, Willis and Wyatt.

—37

H. 741 RECONSIDERED

Having voted on the prevailing side by which the bill, H. 741 as amended, was postponed to the twenty-third legislative day, Rep. Carothers offered the motion to reconsider the vote, and the motion to reconsider was adopted.

Yeas 39; Nays 26.

Yeas:

Reps. Barton, Bowling, Buskey, Carothers, Carter, Clark (G), Clark (W), Coburn, Cooley, Cosby, Dixon, Goodwin, Grimsley, Hammett, Harper (T), Holmes, Johnson (R. G.), Johnson (Roy), Langford, Letson, McMillan, Manley, Minus, Naramore, Patton, Penry, Rains, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (J), Stewart, Trammell, Turner, Venable, Williams and Zoghby.

—39

Nays:

Reps. Adams (C), Adams (H), Brakefield, Cheatwood, Crow, Drinkard, Gilmer, Greer, Grouby, Harvey, Howard, Kelley, Laird, McKee, Nevett, Olive, Pegues, Reed, Smith (C), Starkey, Stout, Ward, Warren, Whatley, Willis and Wyatt.

—26

MOTION TO POSTPONE TABLED

On motion of Rep. Barton, the motion offered by Rep. Payne to postpone further consideration of the bill, H. 741 as amended, to the twenty-third legislative day, was tabled.

Yeas 45; Nays 34.

Yeas:

Reps. Albright, Barton, Blake, Bowling, Buskey, Carothers, Carter, Clark (G), Clark (W), Coburn, Cooley, Cosby, Dixon, Grimsley, Hall, Hammett, Harper (T), Holmes, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, McMillan, Manley, Minus, Mitchell, Naramore, Owens, Patton, Penry, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (J), Smith (M), Stewart, Trammell, Turner, Venable, Waggoner, Williams and Zoghby.

—45

Nays:

Reps. Adams (C), Adams (H), Boles, Brakefield, Cates, Cheatwood, Crow, Drinkard, Ford, Gilmer, Grouby, Harvey, Holley, Howard, Jackson, Kelley, McKee, Moore, Nevett, Olive, Payne, Pegues, Rains, Riddick, Smith (C), Starkey, Stout, Tucker, Turnham, Ward, Warren, Whatley, Willis and Wyatt.

—34

And the bill, H. 741 as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 38; Nays 26..

Yeas:

Reps. Albright, Barton, Blake, Buskey, Carothers, Carter, Clark (G), Clark (W), Coburn, Cosby, Dixon, Goodwin, Grimsley, Hall, Hammett, Harper (T), Holmes, Johnson (R. G.), Johnson (Roy), Kennedy, Langford,

REGULAR SESSION
22nd Day

1501

Letson, McMillan, Manley, Minus, Mitchell, Owens, Patton, Roberts, Sandusky, Sasser, Shavers, Smith (M), Stewart, Turner, Venable, Williams and Zoghby.

—38

Nays:

Reps. Adams (C), Boles, Brakefield, Cates, Cheatwood, Cooley, Crow, Drinkard, Ford, Gafford, Gilmer, Greer, Grouby, Harvey, Holley, Howard, Jackson, Kelley, McKee, Moore, Nevett, Olive, Payne, Pegues, Penry, Rains, Riddick, Smith (C), Starkey, Stout, Turnham, Ward, Warren, Whatley, Willis and Wyatt.

—36

And the bill:

H. 699. To amend sections 34-31-1, 34-31-3, 34-31-5, 34-31-7, 34-31-8, 34-31-9, 34-31-12, 34-31-15, and 34-31-16 of the 1978 supplement to the 1975 Code of Alabama so as to:

- (1) Clarify the definition of Regulated Contractor.
 - (2) Exclude Professional Engineers, Professional Architects and certain Registered Contractors from this regulation.
 - (3) Regulate roofing contractors involved in commercial roofing only.
 - (4) Make the language of the Chapter consistent throughout.
 - (5) Change the renewal date for Certification.
 - (6) Change the number of required board meetings from monthly to bi-monthly.
 - (7) Define a license and permit bond.
 - (8) Allow for travel expense for board members.
- Was taken up.

AMENDMENT OFFERED

Rep. Carter offered the following amendment No. 1 to the bill, H. 699:

Amend House Bill 699, Page 2, Section 1, at the end of line 27 by changing the period to a comma and adding the following:

or a graduate of an accredited technical school.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 57; Nays 0..

Yeas:

Reps. Bennett, Blake, Boles, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Dial, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Harper (O), Holley, Holmes, Howard, Johnson (Roy), Kelley, Kennedy, Laird, Letson, McKee, McMillan, Manley, Minus, Naramore, Nevett, Olive, Pegues, Penry, Rains, Reed, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—57

AMENDMENT OFFERED

Rep. Carter offered the following amendment No. 2 to the bill, H. 699 as amended:

Amend House Bill 699, Page 1, in the Title, Line 33, by deleting Subsection (3) in its entirety and renumbering remaining subsections accordingly.

Further amend the bill, Section 1, Page 2, Line 24, after the word "residential" as follows:

and commercial roofing only; and related sheet metal materials.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 58; Nays 1..

Yeas:

Reps. Adams (H), Albright, Barton, Bennett, Blake, Bowling, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harrison, Holmes, Howard, Johnson (R. G.), Kennedy, Langford, McKee, Manley, Minus, Moore, Naramore, Nevett, Olive, Rains, Ray, Riddick, Roberts, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Venable, Waggoner, Williams, Willis, Wyatt and Zoghby.

—58

Nay: Rep. Holley.

—1

AMENDMENT OFFERED

Rep. Carter offered the following amendment to the bill, H. 699 as amended:

Amend H. B. 699 on page 1, line 41 by striking the following: (8) Allow for travel expense for board members.

Further amend H. B. 699 on page 3, line 23 after the words "entitled to" by inserting mileage

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 59; Nays 0..

Yeas:

Reps. Adams (H), Albright, Barton, Blake, Bowling, Brakefield, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Escott, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Holley, Holmes, Howard, Johnson (R. G.), Kennedy, Langford, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Penry, Rains, Ray, Roberts, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Turner, Venable, Ward, Williams, Willis, Wyatt and Zoghby.

—59

And the bill:

H. 699. To amend sections 34-31-1, 34-31-3, 34-31-5, 34-31-7, 34-31-8, 34-31-9, 34-31-12, 34-31-15, and 34-31-16 of the 1978 supplement to the 1975 Code of Alabama so as to:

- (1) Clarify the definition of Regulated Contractor.
- (2) Exclude Professional Engineers, Professional Architects and certain Registered Contractors from this regulation.
- (3) Make the language of the Chapter consistent throughout.
- (4) Change the renewal date for Certification.
- (5) Change the number of required board meetings from monthly to bi-monthly.
- (6) Define a license and permit bond.
- (7) Allow for travel expense for board members.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 37; Nays 13.

Yeas:

Reps. Adams (C), Adams (H), Albright, Barton, Brakefield, Carothers, Carter, Cheatwood, Clark (W), Cobb, Cooley, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Holmes, Kennedy, Letson, McKee, Minus, Naramore, Olive, Riddick, Shavers, Smith (J), Starkey, Stout, Trammell, Turner, Whatley, Williams and Zoghby.

—37

Nays:

Reps. Blake, Clark (G), Crow, Holley, Howard, Johnson (Roy), Manley, Mitchell, Moore, Nevett, Penry, Willis and Wyatt.

—13

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

CO-SPONSORS ADDED

Reps. Holmes and Cobb were added as co-sponsors to the bill, H. 699.

And the bill:

H. 2. To provide that all employees of Alabama Educational Television shall be covered under the state merit system law.

As amended and temporarily postponed on the nineteenth legislative day, was taken up.

SUBSTITUTE OFFERED

Rep. Hammett offered the following substitute to the bill, H. 2 as amended:

A BILL
TO BE ENTITLED
AN ACT

To provide that certain employees of Alabama Educational Television shall be covered under the state merit system and to provide for an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. All persons employed on a full-time basis by Alabama Educational Television or Alabama Public Television Network, who were employed after January 1, 1981, shall be covered under the state merit system law and shall be extended all benefits of such system.

Section 2. The classification of personnel employed prior to January 1, 1981, shall not result in any decrease in salary or benefits already vested in said employees, nor shall said classification result in the termination of employment of any presently employed person for failure to meet any qualifications issued by the state personnel department, provided, however, that five years after the effective date of this act, all employees must occupy a position in the classified service under the appropriate class based on qualifications and duties for each position as established by the state personnel department.

Section 3. The provisions of this act shall become effective 90 days after its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 40; Nays 0.

Yeas:

Reps. Adams (C), Adams (H), Albright, Bennett, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Crow, Drinkard, Edwards, Ford, Gregg, Hammett, Harper (O), Holley, Holmes, Johnson (Roy), Kelley, Langford, McKee, McMillan, Manley, Naramore, Olive, Penry, Rains, Ray, Shavers, Smith (J), Turner, Venable, Warren, Williams, Willis, Wyatt and Zoghby.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Johnson (Roy) offered the following amendment to the bill, H. 2 as amended:

Amend Substitute H. B. 2, Section 2, Page 1, line (s) 30 by (striking) or adding after the word (s) that the following: "five" and inserting in lieu thereof, the following: "two"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 53; Nays 1.

Yeas:

Reps. Adams (H), Albright, Barton, Blake, Bowling, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Crow, Dixon, Edwards, Escott, Gafford, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (T), Holley, Holmes, Howard, Jackson, Johnson (Roy), Kennedy, Langford, McKee, McMillan, Manley, Moore, Naramore, Olive, Owens, Penry, Rains, Ray, Reed, Roberts, Starkey, Stewart, Trammell, Turner, Venable, Warren, Williams, Willis, Wyatt and Zoghby.

—53

Nay: Rep. Cosby.

—1

And the bill:

H. 2. To provide that certain employees of Alabama Educational Television shall be covered under the state merit system and to provide for an effective date.

As thus amended, was read third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Reps. Adams (H), Barton, Blake, Boles, Bowling, Brakefield, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Howard, Johnson (Roy), Kennedy, Langford, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Penry, Rains, Ray, Reed, Roberts, Sandusky, Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Warren, Williams, Willis and Wyatt.

—61

MOTION TO ADJOURN LOST

The motion offered by Rep. Johnson (Roy) that the House adjourn until 10:00 o'clock a. m., Thursday, April 23, 1981, was lost.

Yeas 26; Nays 47.

Yeas:

Reps. Albright, Blake, Bowling, Brakefield, Cheatwood, Clark (G), Escott, Ford, Harper (O), Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Langford, Manley, Minus, Moore, Shoemaker, Stewart, Tucker, Turner, Warren, Williams and Wyatt.

—26

Nays:

Reps. Adams (C), Amari, Barton, Campbell, Carothers, Carter, Cates, Cobb, Coburn, Cooley, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (T), Harvey, Johnson (R. G.), Kelley, Letson, Lewis, McKee, McMillan, Naramore, Olive, Penry, Rains, Ray, Reed, Roberts, Sandusky, Shavers, Smith (J), Smith (M), Starkey, Stout, Venable, Waggoner, Ward, Whatley and Willis.

—47

SPECIAL ORDER RESUMED

And the bill:

H. 769. To provide for and authorize the incorporation and organization of a public corporation in the state to be named the Alabama synfuels development authority for the purpose of furthering the development of synthetic fuels; to designate the officers and members of the board of directors of the authority; to define and describe the duties and obligations of the authority; to prescribe the powers of the authority; and to provide for the dissolution of the authority.

Was taken up.

AMENDMENT OFFERED

Rep. Drinkard offered the following amendment No. 1 to the bill, H. 769:

On page 8, Section 7, after line 17, add a new subsection (10) as follows:

(10) To utilize the staff of the Alabama Department of Energy to perform any of the functions of the Alabama synfuels development authority that the board of directors shall deem appropriate until such time as the authority has sufficient funds to employ staff as provided by subsection (9) above.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 38; Nays 0.

Yeas:

Reps. Albright, Barton, Bennett, Boles, Carter, Cates, Cheatwood, Clark (G), Cooley, Crow, Dial, Dixon, Drinkard, Edwards, Greer, Harper (O), Harper (T), Holmes, Howard, Langford, McKee, Manley, Minus, Naramore, Olive, Rains, Ray, Riddick, Roberts, Shavers, Stewert, Trammell, Tucker, Venable, Ward, Willis, Wyatt and Zoghby.

—38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Drinkard offered the following amendment No. 2 to the bill, H. 769 as amended:

Amend page 4, Section 3, line 20, after the word "representatives" by deleting the word "and" and in lieu thereof placing a comma. Also in Section 3, line 21, after the word "finance", add the words "and the Director of the Alabama Department of Energy".

Amend page 4, Section 4, line 26, after the word "representatives" by deleting the word "and", and on line 26 after the word "finance" add the words "and the Director of the Alabama Department of Energy".

Amend page 5, Section 6, line 34, after the word "finance" add a comma and the words "the Director of the Alabama Department of Energy".

Amend page 6, Section 6, line 11, after the word "Any", by deleting the word "six" and adding in lieu thereof the word "seven".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 45; Nays 0.

Yeas:

Reps. Adams (C), Adams (H), Albright, Barton, Bennett, Blake, Boles, Carothers, Carter, Cates, Cheatwood, Clark (G), Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Greer, Grimsley, Hall, Holley, Holmes, Howard, Jackson, Langford, McKee, Manley, Minus, Naramore, Olive, Rains, Ray, Riddick, Sandusky, Shavers, Stewart, Trammell, Venable, Williams, Willis, Wyatt and Zoghby.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 769 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Reps. Adams (C), Adams (H), Albright, Barton, Bennett, Blake, Boles, Carothers, Carter, Cates, Cheatwood, Clark (G), Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Greer, Grimsley, Grouby, Hall, Hammett, Harper (T), Holley, Holmes, Jackson, Johnson (R. G.), Kelley, Kennedy, Langford, McKee, Manley, Minus, Moore, Naramore, Olive, Rains, Ray, Riddick, Roberts, Sandusky, Shavers, Shoemaker, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Williams, Willis, Wyatt and Zoghby.

—58

And the bill:

H. 459. To require that before a license is issued for a hazardous waste site, the state health department and the health department of the county where the site will be located shall each approve the site.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 0.

Yeas:

Reps. Adams (H), Albright, Amari, Bennett, Blake, Boles, Brakefield, Carothers, Cates, Cheatwood, Clark (G), Cooley, Cosby, Dial, Edwards, Greer, Grimsley, Harper (O), Harrison, Howard, Jackson, Kennedy, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Payne, Penry, Shavers, Trammell, Tucker, Turner, Venable, Ward, Williams, Willis and Zoghby.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

CO-SPONSORS ADDED

Reps. Tucker, Jackson, Cheatwood, Harrison and Bennett were added as co-sponsors to the bill, H. 459.

RESOLUTION

The following resolution was introduced:

By Rep. Whatley:

H. J. R. 293. DECLARING THE WEEK OF MAY 31-JUNE 6, 1981, ALABAMA POULTRY WEEK.

WHEREAS, the poultry industry is Alabama's largest farm industry, totaling nearly \$700 million annually and accounting for over 30 percent of the total agricultural income in Alabama; and

WHEREAS, Alabama ranks third in the nation in the production of broilers and fifth in eggs; and

WHEREAS, the poultry industry provides jobs for 60 thousand Alabamians; and

WHEREAS, Francis Riley, Boaz, Alabama, has served as president of the Alabama Poultry and Egg Association with dedication, honor and utmost ethical standards; now therefore;

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the week of May 31-June 6, 1981, is hereby declared to be "ALABAMA POULTRY WEEK."

On motion of Rep. Whatley, the rules were suspended and the resolution, H. J. R. 293, was adopted.

SPECIAL ORDER RESUMED

And the bill:

H. 514. To provide that owners of motor vehicles that are leased to other persons shall not be liable for parking violations when the vehicles are not in their possession and provides that said lessors shall notify the clerk of the proper court with the name and address of the lessee.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Reps. Adams (H), Amari, Barton, Bennett, Blake, Boles, Brakefield, Buskey, Campbell, Carter, Cates, Cheatwood, Clark (W), Cooley, Cosby, Crow, Daniels, Gafford, Goodwin, Greer, Gregg, Grimsley, Harper (O), Harper (T), Holmes, Johnson (R. G.), Kelley, Kennedy, Laird, McKee, McMillan, Minus, Naramore, Olive, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Sandusky, Shavers, Shoemaker, Stewart, Turner, Venable, Waggoner, Warren, Whatley, Willis, Wyatt and Zoghby.

—53

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions and House Bill hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:05 P. M. on April 22, 1981.

H. J. R. 262.

H. J. R. 264.

H. J. R. 267.

H. 118.

H. 154

H. 271

H. 381.

H. J. R. 253.

H. J. R. 271.

H. J. R. 283.

Delivered to the Governor at 3:25 P. M. on April 22, 1981.

H. 223.

Delivered to the Secretary of State at 3:45 P. M. on April 22, 1981.

H. 783. (Constitutional Amendment)

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Campbell and pursuant to the resolution, H. R. 284, heretofore adopted, the House adjourned until 10:00 o'clock a. m., Thursday, April 23, 1981.

Yeas 41; Nays 37.

Yeas:

Reps. Barton, Blake, Bowling, Brakefield, Buskey, Campbell, Carothers, Cheatwood, Clark (W), Cooley, Crow, Daniels, Escott, Harper (O), Harrison, Harvey, Holley, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Laird, Langford, Minus, Moore, Nevett, Olive, Penry, Reed, Sasser, Shavers, Stewart, Trammell, Tucker, Turner, Warren, Williams, Willis and Wyatt.

—41

Nays:

Reps. Adams (C), Adams (H), Albright, Amari, Bennett, Carter, Cates, Clark (G), Cosby, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Greer, Grimsley, Grouby, Hall, Harper (T), Johnson (R. G.), Lewis, McKee, McMillan, Naramore, Payne, Rains, Ray, Sandusky, Shoemaker, Smith (M), Stout, Venable, Waggoner, Ward, Whatley and Zoghby.

—37

TWENTY-THIRD DAY

House of Representatives
Montgomery, Alabama
Thursday, April 23, 1981

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Larry Davidson, Chaplain, Baptist Medical Center, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels,

Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—104

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-second legislative day and finds the same to be correct.

JACK BIDDLE, III,
Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the twenty-second legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-second legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Manley, leave of absence was granted for Rep. Hines due to illness.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 421. To create the office of license commissioner in Houston County; to provide for his appointment; to fix his compensation and allowance, prescribe his duties, define his powers and provide for the operation of his office.

Also:

H. 765. Relating to the City of Dothan Pension and Retirement System; further amending Sections 5 and 10 of Act No. 103, H. 363 of the 1953 Regular Session (Acts 1953, Vol. I, p. 145), as amended, so as to provide further for creditable service and the perpetuity of the system and relief of members already retired and future retirees.

Also:

H. 798. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

Also:

H. 799. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

Also:

H. 819. Relating to Cleburne County; providing an additional expense allowance for the county tax assessor.

Also:

H. 864. Relating to Choctaw County; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer in said county.

Also:

H. 865. Relating to Choctaw County, authorizing the county governing body to provide for salaries of clerical and secretarial employees which may be hired from time to time to staff the offices of the tax assessor and tax collector.

Also:

H. 866. Relating to Choctaw County; amending the title and Section 1, 2, and 4 of Act No. 2312, S. 1053, 1971 Regular Session (Acts 1971, p. 3734), and Act No. 80-295, H. 796, 1980 Regular Session (Acts 1980, p. 409-410), relating to the appointment of the county superintendent of education, so as to provide for the election and further for the qualifications and compensation of such officer.

Also:

H. 896. Relating to Geneva County; providing further for the compensation of the coroner and repealing Act No. 56, H. 96, 1959 Regular Session (Acts 1959, p. 223).

Also:

H. 901. Relating to Baldwin County; directing and requiring Baldwin County Commission to provide for the holding of an advisory election relative to the levying of an additional sales tax to be distributed to the County Board of Education of the said County and used for certain specified public school purposes.

Also:

H. 897. Relating to Geneva County; amending Act No. 75, H. 44, 1967 Regular Session, (Acts 1967, p. 107), so as to increase the fee for issuance of pistol permits.

McDOWELL LEE,
Secretary.

RESOLUTION

The following resolution was introduced:

By Rep Manley:

H. R. 294. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, April 23, we adjourn to meet again on Tuesday, April 28, 1981, at 1:00 P.M.

REGULAR SESSION
23rd Day

1513

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 294, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 217. To be known as a Third Party Prescription Program Act, establishing the rights and responsibilities of parties engaged in third party prescription programs; defining certain terms; providing the notice procedures, cancellation procedures, provisions to be included in contractual agreements pertaining to third party prescription programs; outlining conditions under which payment by the program administrator to the pharmacy may or may not be denied; establishing reimbursement rates; providing exceptions and repealing all conflicting laws.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House.

H. 512. To change the name of the capitol security officers to state capitol police officers, to provide for the powers, duties, and jurisdiction of state capitol police officers, to provide that state capitol police officers shall be provided a uniform of a type and color as prescribed by the director of finance, and to provide that the state department of finance is authorized to insure state capitol police officers against personal injury or death while discharging their duties.

McDOWELL LEE,
Secretary.

COMMITTEE APPOINTED

The Speaker appointed as the committee on the part of the House to study The Pardon and Parole Board, Reps. Seibels, Zoghby, Turnham, Gilmer and Horn according to H. R. 246.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 295. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special and paramount order of business April 23, 1981, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

By Rep. Owens:

H. 631 p. 78 Education budget

By Rep. Owens:

H. 632 p. 78 Marion Military Institute, appropriation

By Rep. Owens:

H. 633 p. 79 Lyman Ward Military Academy, appropriation

By Rep. Owens:

H. 634 p. 79 Talladega College, appropriation

By Rep. Owens:

H. 635 p. 79 Walker County Junior College, appropriation

By Rep. Reed:

H. 776 p. 80 Tuskegee Institute, appropriation

By Rep. Ward:

H. 554 p. 52 Manufactured buildings

By Rep. Edwards:

H. 156 p. 8 City or town officials

By Rep. Clark (G):

H. 418 p. 23 Lapsed life insurance policies

By Rep. Amari:

H. 160 p. 99 Self insurance, liability

By Rep. Dial:

H. 391 p. 48 Reflective markers

By Rep. Letson:

H. 63 p. 4 Commercial fertilizer

By Rep. Letson:

H. 65 p. 4 Warehouse fees

By Rep. Hall:

H. 111 p. 94 Casting lights, nights

By Rep. Naramore:

H. 180 p. 13 Liquefied Petroleum Gas Board

By Rep. Dixon:

H. 192 p. 19 Oncology

By Mr. Bennett:

H. 205 p.3 Reporting period

By Rep. Whatley:

H. 794 p. 114 Department of Agriculture

By Rep. Sasser:

H. 640 p. 97 Warrants, rates

By Rep. Gafford:

H. 763 p. 82 Divorce, Right to Privacy

By Rep. Owens:

H. 330 p. 58 Additional fees, courts

By Rep. Dial

H. 58 p. 12 National Guard

On motion of Rep. Biddle, the resolution, H. R. 295, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Biddle, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

H. J. R. 257. RECREATING A JOINT INTERIM COMMITTEE TO STUDY THE NEEDS AND NECESSITIES OF OFF-CAMPUS BRANCHES OR CENTERS OF JUNIOR COLLEGES.

On motion of Rep. Biddle, the resolution, H. J. R. 257, was adopted.

BILLS ON SECOND READING

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 258. To amend Section 2-7-31, Code of Alabama 1975, which relates to prizes and premium awards at agricultural fairs, so as to increase the maximum amount authorized to be paid to the members of the Special Awards Committee for Fairs for per diem and travel allowances.

H. 539. To amend Section 2-7-7, Code of Alabama 1975, which Section relates to a payment of the Alabama Agricultural and Industrial Exhibit Commission to the South Alabama State Fair Association for premiums, awards and prizes given at said Fair to exhibitors of cattle, sheep, goats, hogs, agricultural shows or exhibits, fine art shows, exhibits for 4-H Clubs, Future Farmers of America, and Future Homemakers of America, poultry and other types of exhibits so as to remove a limitation of \$10,000.00 which the said Section imposes.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 551. (With Amendments): To create three additional judgeships for the Tenth Judicial Circuit of Alabama; to provide for the election of such judges; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judges, and to render such judges liable to all the pains and penalties of other circuit judges in the state; to further provide for a division of authority and duties between judgeships in said circuit; to increase the number of circuit judges in the Tenth Judicial Circuit of Alabama to 23; to amend Section 12-17-20 of the 1975 Code of Alabama; to repeal all laws or parts of laws in conflict herewith, and to provide the effective date of this act.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 602. To create the Historic Blakeley Authority to establish as a state park the lands in Baldwin County known as the Blakeley site; provides for membership on the board of the authority; provides that the board shall have corporate powers; provides for the issuance of bonds; and provides that the authority shall employ personnel to operate and maintain the state park.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 858. (With Substitute)(With Amendment): To amend Section 12-17-61, Code of Alabama 1975, relating to the number of district court judges in each district, so as to provide two resident district judges for Marshall county and to provide for the initial appointment of the additional judge and prescribe the duties, powers and authority of such judge.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 890. To provide that retiring state law enforcement officers of the state of Alabama may keep their pistols and badges.

H. 891. To amend Section 36-30-20 of the Code of Alabama 1975, relating to compensation for death or, disability or occupational diseases for municipal policemen and state troopers so as to cover certain state law enforcement officers under such compensation plan.

S. 113. To provide that any annually appropriated funds allocated to local boards of education, except funds specified to be spent for personnel salaries, may be transferred between and among line items, provided that such transfer shall not exceed forty (40) percent of the amount appropriated for each line item and to further provide that such limitation shall not apply during years in which proration is declared.

S. 236. To provide for a Life and Disability Insurance Guaranty Association so as to avoid financial loss to claimants or policyholders because of the insolvency of an insurer; to provide for definitions; to provide for a Board of Directors and powers and duties of the association; to provide for powers and duties of the Commissioner; to provide for certain tax exemptions and immunity; and to provide for termination procedures and distribution of funds.

S. 475. Amending Sections 16-8-25 and 16-12-21 of the Code of Alabama 1975 so as to allow teachers and other employees in city and county schools to take vacations during the school year.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1014. To amend Section 39-2-6 of the Code of Alabama 1975, relating to certain bid procedures for public improvement contracts, so as to exempt certain construction projects of the Department of Corrections from such procedures.

H. 1015. To amend Section 32-6-50 of the Code of Alabama 1975, relating to license tags and plates so as to provide that appropriations made for the Board of Corrections for production of such tags and plates, whenever the design of validation stickers and/or license plates is altered, or for the production of new or special tags, be adjusted according to the consumer price index.

H. 1016. To amend Section 14-3-30, Code of Alabama 1975, relating to the temporary confinement of a convict sentenced to the penitentiary pending removal for confinement, so as to provide for additional data to be furnished by the clerk of the court to the department of corrections.

Rep. Reed, Chairman of the Standing Committee on Public Welfare, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 952. (With Amendment): To name this Act; to state the Legislature's concern for school nutrition; to define certain terms used in the Act; to establish the school breakfast program in all schools receiving funds under Title 1 of the Elementary and Secondary Education Act (PL 95-561); to set the date for the commencement of the program; to authorize and require the State Department of Education to promulgate rules and standards for implementation of the program; to require from local school boards a plan of compliance with this Act; to require the State Department of Education to notify eligible schools of this Act; to repeal only those laws in direct conflict; and to provide for severability and an effective date.

Rep. Edwards, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 524. To amend Section 24-1-24, Code of Alabama 1975, dealing with housing authorities, so as to provide further for compensation to be paid to commissioners employed by such housing authorities in certain municipalities.

H. 838. To authorize and establish procedures by which the electors of a municipality, organized under the commission form of government provided for in Sections 11-44-1 through 11-44-57, Code of Alabama 1975, as amended, may provide and prescribe specific offices to the commissioners of such municipality, through an election for that purpose; to establish a designation of the office of each commissioner upon approval by the electors; to establish an effective date and to provide for a liberal construction of this ACT.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 909. To authorize the governing body of Lee County, Alabama, to levy and collect special county privilege and license taxes, generally paralleling the state sales taxes provided for in Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, and special county excise taxes generally paralleling the state use taxes provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; to specify the rates at which such taxes may be levied; to provide for the ascertainment, collection, payment, distribution and use of the proceeds of the said taxes if levied by the said governing body, and for the enforcement of this act by the State Department of Revenue; to specify the maximum duration for which any such taxes may be levied; and to prescribe penalties and fix punishment for violations of this act.

H. 973. Relating to Chambers County; to provide for a certain additional tax upon the sale, use or consumption of malt or brewed beverages and to provide for disposition of the proceeds of such additional tax.

H. 974. Relating to Chambers County; to provide further for the mileage allowance of the county coroner, and to provide for retroactive effect.

H. 1012. To authorize the Macon County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

H. 1018. Relating to the Town of Cedar Bluff, in Cherokee County; authorizing the Town of Cedar Bluff as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable services to the residents of the town and to residents of the municipal corporations and surrounding territory; prescribing its power in connection therewith; authorizing and regulating the issuance and security of bonds and other evidence of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidence of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 951. To confer upon the County Commission of Jefferson County the power to levy and collect a county sales tax, or a county license tax, or to levy and collect both of said taxes, subject to the condition that any tax levied under the act shall be used solely for the purpose of providing public transportation service within the county and to the other conditions enumerated in the act.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 550. (With Amendments): To raise revenue for the Birmingham-Jefferson County Transit Authority by levying a certain additional county sales and use tax, paralleling state sales and use taxes, with such additional taxes becoming effective in the incorporated municipalities of said county only upon adoption of a resolution of participation in such transit authority by the governing bodies of such municipalities; to provide for the administration and collection of such additional taxes by the Jefferson County Department of Revenue; to provide for disposition of the proceeds of such additional taxes between the incorporated and unincorporated areas of said county and said transit authority to prescribe penalties and rules for enforcement and to specifically repeal Act No. 232, H. 502, 1977 Regular Session of the Legislature (Acts 1977, p. 305), and all other laws in conflict with this act.

NOTICE IN WRITING

Rep. Penry filed the following Notice in Writing:

Having voted on the prevailing side of H. B. 479 which passed April 22, 1981 I hereby move that the vote on H. B. 479 be reconsidered.

NOTICE IN WRITING

Rep. Hall filed the following Notice in Writing:

Notice is hereby given that having voted on the prevailing side by which H. B. 584 was defeated, I now move to reconsider the vote by which said bill was defeated.

RESOLUTION

The following resolution was introduced:

By Rep. Turnham:

H. J. R. 296. COMMENDING MR. TOMMY GOFF ON HIS 25 YEARS OF SERVICE AS THE DIRECTOR OF MUSIC AT AUBURN HIGH SCHOOL.

WHEREAS, in dedicated service to the youth of Auburn, Alabama, and in his capacity as Director of Music at Auburn High School, Mr. Tommy Goff has for 25 years served as teacher, mentor and friend to the thousands of young boys and girls who have come under his tutelage and guidance; and

WHEREAS, Mr. Goff is a graduate of Murphy High School in his native city of Mobile and a graduate also of Auburn University where he earned both his Bachelor's Degree and a Master's Degree in Music Education; he also has completed graduate studies toward a Doctoral Degree at Florida State University; and

WHEREAS, during his long and prestigious tenure at Auburn High School, Mr. Goff has been responsible for a multi-range music program which includes Marching, Symphonic, Concert and Beginner Bands, as well as a Laboratory (Jazz) Band and Music Theory Courses; and

WHEREAS, his bands through the years have received literally dozens of Superior Ratings in competition throughout the Southeast and have performed by invitation on numerous state occasions, at conferences, regional parades, festivities, and at sporting events; and

WHEREAS, Mr. Goff is also the recipient of many personal awards and honors, and has been cited for excellence by a number of professional groups and organizations; and

WHEREAS, a member and Sunday School teacher at Auburn United Methodist Church, he also has been honored for good citizenship by the Auburn Civitans, for outstanding service by the Auburn Kiwanis Club, and he is an Honorary Member of the Auburn High School "A" Club and Honor Society; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Mr. Tommy Goff of Auburn, Alabama, and note with pleased concurrence the declaration of May 15, 1981, as Tommy Goff Day, so designated in gratitude for his contributions, accomplishments and dedication to the community of Auburn.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. Goff on "His Day" in token of this body's warm praise and high regard.

On motion of Rep. Turnham, the rules were suspended and the resolution, H. J. R. 296, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Letson (With Notice and Proof):

H. 1025. Relating to Lawrence County; to provide further for the compensation of the county superintendent of education, effective July 1, 1981 upon the expiration of the present term of office.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1025, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Letson (With Notice and Proof):

H. 1026. Relating to Lawrence County; to provide the tax assessor and tax collector an expense allowance which will be in effect from October 1, 1981 until the expiration of their present terms of office; and to provide for additional compensation for such officers effective upon the expiration of the present terms of office.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1026, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Letson (With Notice and Proof):

H. 1027. Relating to Lawrence County; authorizing the county commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and prescribing the procedure for levying and collecting such assessments.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1027, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Letson (With Notice and Proof):

H. 1028. Relating to Lawrence County; to provide for the distribution of Lawrence County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1028, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Mitchell (With Notice and Proof):

H. 1029. Relating to Tuscaloosa County; relating to voter registration; to provide for compensation of the board of registrars; to provide for meetings and times and places of registration by the board; to provide for the attendance by at least one registrar at the courthouse on each regular working day except when the full board is in session; to provide for purging of voter lists; to provide for the publication of the list of registered voters.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1029, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Smith (M):

H. 1030. Proposing an amendment to the Constitution of 1901, amending Amendment No. 218 to the Constitution of 1901, relating to the special school tax based on the taxable property in the school tax district of the City of Huntsville so as to remove certain restrictions on the use of the proceeds therefrom and allow such proceeds to be expended for any public school purposes within the said district; and providing for a referendum and effective date therefor.

Local Legislation No. 4.

The above bill was read a first time at length as required by the Constitution.

By Reps. Amari and Waggoner (With Notice and Proof):

H. 1031. To further amend Act No. 497, Regular Session of the Legislature of Alabama of 1965, (Ala. Acts, 1965, pp. 717-739) establishing a pension system for employees and officers of Jefferson County, Alabama, as heretofore amended.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1031, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Clark (G) and Manley (With Notice and Proof):

H. 1032. Relating to Hale County; to give the county commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, schools, individual or non-profit associations or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or the sale of materials under the provisions of this Act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1032, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Penry and McMillan (With Notice and Proof):

H. 1033. Relating to Baldwin County; to provide for payment of a portion of the proceeds derived from the sale of property confiscated for violation of the controlled substances act to the sheriff's department.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1033, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Gregg:

H. 1034. Relating to the state board of cosmetology, to provide a schedule of fees charged by the board to its licensees, notwithstanding any other provision of law.

Health.

By Reps. Moore and Gafford:

H. 1035. Relating to advertising by grocery stores, food retailers or soft drink bottlers, so as to permit certain contests where consideration is not mandatory for the participant.

State Administration.

By Rep. Turnham:

H. 1036. To create an additional district judgeship for Lee County, Alabama; to provide for the election of the first judge and of subsequent judges to fill this judgeship; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judge, and to render such judge liable to all the pains and penalties of other district judges in this state; to increase the number of district judges in Lee County Alabama to two; to amend Section 12-17-61 of the 1975 Code of Alabama; to repeal all laws or parts of laws in conflict herewith, and to provide the effective date of this act.

Ways and Means.

By Rep. Smith (J):

H. 1037. To amend Section 15-19-1, Code of Alabama 1975, relating to youthful offender status, so as to limit the persons eligible for such status.

Judiciary.

By Rep. Venable (With Notice and Proof):

H. 1038. To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Elmore County and to provide for the use of such fees.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1038, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep Kelley:

H. 1039. To require mobile home dealers to give certain notice to judges of probate regarding deliveries of mobile homes sold by such dealers and to provide penalty for violation.

State Administration.

By Rep. Clark (G):

H. 1040. To create a State Department of Pardon, Parole and Probation Services; to provide for the establishment and functioning of such Department; to provide for a Director of such Department; to provide for the adoption of uniform policies, rules, regulations and for the orderly administration of the Department; to provide for the duties of parole and probation officers; to provide for the administration and collection of contributions from employed parolees and probationers; to authorize the collection of room and board from parolees in community residential facilities; to prescribe the duties of the Department with regard to victim restitution payments; to create Commissions of Pardons, Paroles and Probations for each judicial circuit and to provide for the appointment, terms and qualifications of members; to provide for the compensation of Commission members; to provide for meetings, officers and quorum of Commissions; to provide for notice to be given prior to certain Commission action; to authorize and limit the granting of pardons and paroles, the remission of fines and forfeitures and the restoration of civil and political rights by the Commission; to provide for the compilation of a complete investigative report on each case while the case is still

recent; to set forth the duties of Commissions with regard to investigations of prisoners with a view of feasibility of parole and to require the cooperation of the department of corrections; to provide for temporary leave from prison and to provide for records of such leave to be reported to the Commissions; to provide for the determination of parole by the Commissions and for the publication of an annual report by the Commission; to provide further for limitations on the granting of paroles; to provide that conditions of parole shall be provided to the parolee in writing and to provide for arrest upon violation of parole; to limit the terms of discharge from parole; to provide for the retaking of a parolee under certain conditions; to provide a procedure for revocation of parole; to define further duties of parole and probation officers with respect to any court; to provide for the restoration of voting rights; to provide that duties imposed upon Commissions are mandatory; to provide that knowing or willful neglect or failure of duty by a Commission member shall be a Class C felony; to provide that actions of Commissions contrary to this Act shall be null and void; to create and establish an Advisory Committee to the Department; to provide for the making of rules and regulations; to validate the Interstate Compact; to validate action of the Board of Pardons and Paroles taken prior to effective date of Act subject to subsequent review by Commissions; to transfer all assets, liabilities, contractual rights, obligations, property rights, real and personal, appropriations and funds to the Department; to provide for severability of provisions of this Act; to repeal laws relating to the Board of Pardons and Paroles, thus abolishing the Board of Pardons and Paroles; and, to provide for an effective date of this Act.

Judiciary.

By Rep. Cabaniss:

H. 1041. To remove certain state legal impediments to ride-sharing **arrangements so as to encourage the people of this state to travel to and from work by carpool, vanpools and other types of ridesharing arrangements**; to place certain limitations on the liability of employers who encourage participation in such arrangements and to prohibit local government entities from requiring licenses for such arrangements.

State Administration.

By Rep. Cooley (With Notice and Proof):

H. 1042. To amend Section 11-50-313, Code of Alabama 1975, which provides for the boards of directors for the operation of water, sewer, gas and electric systems, so as to provide further for the salaries of said board members and to provide for its retroactive effect.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1042, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Langford and Kennedy:

H. 1043. Providing for purging the lists of registered voters; requiring and prescribing the procedure for the re-identification of registered voters; providing for the appointment of deputy registrars to aid in the re-identification and registration of electors; placing certain duties on the board

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of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Cook:

S. 591. To provide that legislative personnel shall receive all salary increases provided for state employees listed in the classified and unclassified service of the State of Alabama.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 591. State Administration.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

H. 927 POSTPONED

On motion of Rep. Cooley, the bill, H. 927, was postponed to the twenty-fourth legislative day.

And the bill:

S. 569. Providing for purging the lists of registered voters in Wilcox County; requiring and prescribing the procedure for the reidentification of registered voters; placing certain duties on the board of registrars and the county governing body relative to the reidentification of registered voters.

Was read a third time at length and passed.

Yeas 32; Nays 0.

Yeas:

Reps.: Albright, Bennett, Blake, Boles, Brakefield, Carothers, Cheatwood, Clark (G), Crow, Drinkard, Edwards, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Mitchell, Olive, Ray, Roberts, Sasser, Shavers, Smith (J), Starkey, Turnham, Venable, Ward and Willis.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 17. Relating to Etowah County; to amend Section 1 of Act No. 302, H. 1043, Regular Session 1977 (Acts 1977, p. 403), relating to branch banks, so as to provide further for such banks.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Reps.: Bennett, Blake, Boles, Brakefield, Cheatwood, Clark (G), Crow, Daniels, Drinkard, Ford, Gilmer, Goodwin, Greer, Grouby, Hammett, Manley, Moore, Roberts, Sasser, Smith (J), Starkey, Turnham, Venable and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 930. (With Substitute): **To alter, rearrange and extend the boundary lines and corporate limits of the town of Grant, Alabama.**

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 1, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the town of Grant, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the town of Grant, Alabama are hereby altered, rearranged and extended so as to include within the corporate limits of Grant, Alabama, in addition to the lands now included herein, all of the following territory, to-wit:

PARCEL I: Beginning at a point on the West margin of the Guntersville and Grant Road and North margin of a County Road, in the Northeast quarter of the Southeast quarter of Section 13, Township 6, Range 3 East; thence North 39° 30' East with the Guntersville and Grant Road 179 feet to a

County Road; thence North 35° 41' East 27.5 feet; thence North 66° 58' West 132.7 feet; thence South 79° 50' East 86 feet; thence South 63° 44' East 334 feet; thence South 82° 30' East with County Road 411.6 feet to the point of beginning, according to the survey made by J. B. Carlton, lying and being in Marshall County, Alabama.

PARCEL II: Beginning at the Northern most point of Lot 1 of the Grant Commercial Subdivision in Marshall County, Alabama, as the same appears of record in Plat Book 6 page 123 in the Probate Office of Marshall County, Alabama; thence along the North line of said lot South 51° 59' East 150 feet; thence South 38° 01' West 12 feet; thence South 51° 59' East along the North line of the Battles lot as recorded in Book 528 page 289 in the Probate Office of Marshall County, Alabama, 150 feet to the Southeast line of said Lot 1; thence South 38° 01' West along the Southeast lines of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 of said subdivision 517 feet to the Southeast corner of the Dennis lot as recorded in Deed Book 600 page 192 at a point South 38° 01' West 4 feet from the Northeast corner of said Lot 22; thence North 51° 59' West and parallel with the North line of said Lot 22, 166 feet, more or less, to a point 125 feet Southeasterly from the West line of said Lot 22; thence in a Southeasterly direction parallel with the West lines of Lots 22, 23, 24, 25, 26, 27, 28, 29 and 30 in said subdivision 221 feet to a point on the South line of said Lot 30; thence continue Southeasterly in the same direction 75 feet; thence North 51° 59' West 125 feet, thence in a Northeasterly direction 75 feet to the Southwest corner of said Grant Commercial Subdivision; thence in a Northeasterly direction along the Northwest line of said subdivision approximately 750 feet to the point of beginning.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 26; Nays 0.

Yeas:

Reps.: Albright, Barton, Bennett, Brakefield, Carothers, Cheatwood, Clark (G), Goodwin, Greer, Grouby, Hall, Hammett, Kelley, Olive, Rains, Ray, Roberts, Sandusky, Smith (C), Smith (J), Turnham, Venable, Ward, Whatley, Williams and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 930, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 32; Nays 0.

Yeas:

Reps.: Barton, Bedsole, Bennett, Blake, Cheatwood, Clark (G), Clark (W), Crow, Dial, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harvey,

Kelley, Manley, Olive, Rains, Ray, Reed, Roberts, Sandusky, Smith (C), Smith (J), Turnham, Venable, Ward, Whatley, Williams and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 943. Relating to Calhoun County; amending Act No. 963, S. 1177, 1975 Regular Session (Acts 1975, p. 1996), which provides for a civil service system for the City of Oxford, so as to increase the compensation of the board members of said system.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 27; Nays 0.

Yeas:

Reps.: Barton, Bedsole, Blake, Campbell, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Dial, Edwards, Goodwin, Greer, Grouby, Harvey, Manley, Olive, Pegues, Rains, Ray, Sandusky, Smith (J), Turnham, Venable, Whatley, Willis and Zoghby.

—27

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 946. To levy a finance charge or a tax of five cents per acre to be assessed against lands located in Barbour County, Alabama, which are used for timber growing purposes, to provide protection against forest fires within Barbour County; and prescribing the procedure for the collection of such assessments.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 27; Nays 0.

Yeas:

Reps.: Barton, Blake, Bowling, Clark (G), Clark (W), Cosby, Crow, Dial, Greer, Grouby, Hammett, Kelley, McKee, Manley, Olive, Pegues, Rains, Ray, Reed, Sasser, Smith (C), Smith (J), Turnham, Venable, Whatley, Williams and Zoghby.

—27

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 844. Relating to Dale County; providing further for the expense allowance of the members of the county board of education and repealing Act No. 77, H. 458, Regular Session 1965 (Acts 1965, p. 104).

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 33; Nays 0.

Yeas:

Reps.: Barton, Bedsole, Blake, Bowling, Clark (W), Cosby, Crow, Edwards, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Kelley, McKee, Manley, Olive, Pegues, Rains, Ray, Sandusky, Sasser, Smith (C), Smith (J), Starkey, Trammell, Venable, Waggoner, Ward, Whatley, Williams and Zoghby.

—33

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 914. Relating to Henry County, to change the method of compensating the judge of probate; to fix such compensation; to provide that fees, commissions, allowances, percentages and other charges heretofore collected for the use of the judge of probate shall be collected and paid into the general fund of the county; and to make provision for the personnel, quarters and supplies for the probate office.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 34; Nays 0.

Yeas:

Reps.: Barton, Bedsole, Blake, Clark (G), Clark (W), Crow, Edwards, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harvey, Kelley, McKee, Manley, Olive, Pegues, Rains, Ray, Sandusky, Sasser, Seibels, Smith (C), Smith (J), Starkey, Trammell, Venable, Warren, Whatley, Williams and Willis.

—34

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 915. Proposing an amendment to the Constitution of Alabama, 1901, relative to the fees and compensation of the judge of probate of Henry County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Biddle, Blake, Bowling, Buskey, Campbell, Carothers, Carter, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Hall, Hammett, Harper (O), Harvey, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Olive, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stout, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—77

And the bill:

H. 947. To authorize the Barbour County Commission to provide protection against uncontrolled fires and to assist with and encourage the use of beneficial forestry practices, such as plowing fire lanes, assisting in controlled burning, etc., within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 38; Nays 0.

Yeas:

Reps.: Adams, Barton, Blake, Brakefield, Campbell, Carothers, Clark (G), Crow, Edwards, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Holmes, Horn, McKee, McMillan, Moore, Olive, Pegues, Penry, Rains, Ray, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Trammell, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 959. Authorizing the Board of County Commissioners or like governing body of Jackson County, Alabama, to appropriate and pay county

funds to volunteer nonprofit fire departments and volunteer nonprofit corporations or organizations, organized for the purpose of providing volunteer service in emergency situations arising in said Jackson County, for the purchase of equipment, materials and supplies.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Reps.: Adams (C), Albright, Barton, Bedsole, Blake, Brakefield, Carothers, Clark (G), Cosby, Crow, Dial, Edwards, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Kelley, McKee, McMillan, Manley, Olive, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stout, Trammell, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 978. Relating to DeKalb County; fixing the fee for the issuance of a pistol permit by the sheriff and providing for the deposit of such fees in a sheriff's fund and repealing Act No. 370, S. 570, 1971 Regular Session (Acts 1971, p. 663).

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 0.

Yeas:

Reps.: Adams (C), Albright, Barton, Blake, Bowling, Brakefield, Carothers, Cheatwood, Clark (G), Crow, Edwards, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, McKee, McMillan, Manley, Naramore, Olive, Pegues, Penry, Ray, Reed, Sandusky, Seibels, Shoemaker, Smith (C), Smith (J), Stout Trammell, Venable, Ward, Warren Whatley, Williams, Willis, Wyatt and Zoghby.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 979. To propose an amendment to the Constitution of Alabama of 1901 relating to Lauderdale County that would empower each local school

tax district within the Lauderdale County school district in said county, when authorized at an election therein, to levy and collect a special district school tax not exceeding ten mills on the assessed valuation of the taxable property in such district for public school purposes in such district, and conferring upon the county board of education of said county the power under some circumstances and without an election to change the boundaries of any local school tax district in said county or consolidate any two or more local school tax districts therein.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Campbell, Carothers, Carter, Cates, Clark (G), Clark (W), Coburn, Cooley, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Johnson (R. G.), Johnson (Roy), Kelley, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stout, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—78

RESOLUTION

The following resolution was introduced:

By Rep. Patton:

H. R. 297. STATING THE HOUSE OF REPRESENTATIVES POSITION ON THE IMPROVEMENT OF STATE CORRECTIONAL FACILITIES.

WHEREAS The Alabama House of Representative recognizes that crime and delinquency has become the number one concern of the citizens of Alabama, and

WHEREAS this governing body has responded to this concern by passing many laws which call for stiffer penalties and swifter justice for both adult and juvenile offenders, and

WHEREAS We recognize that our jails and detention centers are overcrowded and that our local governments are under a financial strain by housing state and juvenile offenders, and

WHEREAS Both adult and juvenile correctional facilities are inadequate and over-crowded, and

WHEREAS, The new oil and gas lease monies give us an opportunity to respond to our citizens by improving our correctional facilities and getting both the juvenile and adult offender off the streets.

NOW THEREFORE BE IT RESOLVED, That the Alabama House of Representatives hereby declares its first priorities for Capital outlay to be the expansion and improvement of the State adult and juvenile correctional facilities.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Patton offered the motion to suspend the rules and adopt the resolution, H. R. 297.

DIVISION OF THE QUESTION

Rep. Barton called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Patton to suspend the rules in order to take up for immediate consideration the resolution, H. R. 297, and the motion was lost.

Yeas 32; Nays 46.

Yeas:

Reps.: Adams (H), Albright, Bedsole, Blake, Bowling, Cabaniss, Carter, Coburn, Cooley, Ford, Goodwin, Greer, Hall, Harper (T), Harvey, Johnson (R. G.), Kelley, Letson, Minus, Mitchell, Olive, Patton, Rains, Ray, Roberts, Smith (C), Smith (J), Starkey, Stout, Whatley, Willis and Zoghby.

—32

Nays:

Mr. Speaker, Adams (C), Barton, Bennett, Biddle, Brakefield, Cates, Clark (G), Clark (W), Cosby, Crow, Daniels, Dial, Drinkard, Escott, Gafford, Gilmer, Grimsley, Grouby, Hammett, Holmes, Horn, Howard, Langford, Lewis, McKee, McMillan, Manley, Moore, Naramore, Owens, Parker, Payne, Pegues, Penry, Riddick, Sasser, Seibels, Shoemaker, Smith (M), Stewart, Trammell, Tucker, Turner, Warren and Wyatt.

—46

The resolution, H. R. 297, was read and referred to the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

H. 980. Relating to St. Clair County; to amend sections 1 and 2 of Act No. 79-607, H. 938, Regular Session 1979 (Acts 1979, p. 1075) relating to the taxation of certain alcoholic beverages in the county, so as to increase said tax and to discontinue the use of tax stamps.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Blake, Brakefield, Cabaniss, Carothers, Clark (G), Cobb, Cosby, Crow, Dial, Edwards, Ford, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Horn, McKee, McMillan, Manley, Minus, Mitchell,

Naramore, Olive, Penry, Rains, Sandusky, Sasser, Smith (C), Smith (J), Stout, Turner, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 985. Relating to Phenix City; amending Section 3.11 of Act No. 71, H. 114, 1977 Regular Session (Acts 1977, p. 78), which provides for a council-manager form of government in certain municipalities based on a population classification, so as to provide for the filling of vacancies in the council of such municipality.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yeas:

Reps.: Adams (C), Barton, Bedsole, Bennett, Biddle, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cobb, Cosby, Crow, Drinkard, Edwards, Ford, Gafford, Greer, Grimsley, Grouby, Hall, Harper (O), Horn, Johnson (R. G.), McKee, McMillan, Minus, Mitchell, Naramore, Olive, Pegues, Penry, Ray, Reed, Sandusky, Sasser, Seibels, **Smith (C), Smith (J), Starkey, Stout, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.**

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 986. Relating to the city of Phenix City; to further provide for the qualifications to engage in the bail bond business for the release of persons held by the city of Phenix City.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Biddle, Bowling, Brakefield, Cabaniss, Carothers, Cheatwood, Clark (W), Cobb, Cosby, Crow, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall,

Harper (O), Harper (T), Harvey, Kelley, Laird, McKee, McMillan, Mitchell, Moore, Naramore, Olive, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Smith (C), Smith (J), Starkey, Stout, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—58

And the bill:

H. 987. Relating to Russell County; to provide that all monies hereafter accruing to Russell County which are dedicated to the construction, maintenance and repair of roads and bridges and traffic control shall be paid into the county road and bridge fund; to repeal Act No. 251, H. 701, Regular Session 1969 (Acts of 1969, p. 583), and Act No. 684, H. 1109, Regular Session 1971 (Acts of 1971, p. 1410), and any other laws which conflict herewith.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carothers, Cheatwood, Cobb, Cosby, Crow, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harvey, Horn, Laird, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Olive, Payne, Pegues, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Smith (C), Smith (J), Starkey, Stout, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—60

And the bill:

H. 988. Relating to Russell County; to provide for an additional expense allowance for the members of the county board of registrars.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carothers, Cheatwood, Clark (G), Cobb, Cosby, Crow, Drinkard, Edwards, Ford, Gafford, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harvey, Horn, Laird, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Pegues, Penry, Rains, Reed, Roberts, Sandusky, Sasser, Seibels, Smith (C), Smith (J), Starkey, Stewart, Stout, Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—58

And the bill:

H. 989. To amend and re-enact Act No. 403, H. 107, Regular Session 1975 (Acts of 1975, p. 1002), entitled "An Act To provide for an increase in the

compensation of the bailiffs of the circuit court of the 26th judicial circuit," so as to provide that the compensation provide in said Act shall be designated as an expense allowance.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Blake, Bowling, Brakefield, Cabaniss, Carothers, Cheatwood, Clark (G), Cosby, Crow, Drinkard, Edwards, Goodwin, Gregg, Grimsley, Grouby, Hall, Harper (O), Laird, McMillan, Manley, Mitchell, Naramore, Olive, Ownes, Pegues, Ray, Reed, Sandusky, Sasser, Seibels, Smith (C), Smith (J), Starkey, Stewart, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 990. Relating to Russell County; to provide an expense allowance for the county coroner; to repeal Act No. 306, H. 745, Regular Session 1971 (Acts 1971, p. 607) and Act No. 460, H. 1119, Regular Session 1975 (Acts 1975, p. 1087) and other conflicting acts.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carothers, Cheatwood, Clark (G), Cosby, Crow, Drinkard, Edwards, Gafford, Grimsley, Grouby, Hall, Harper (O), Laird, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Smith (J), Starkey, Stewart, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 991. Relating to Russell County; to authorize the county commission to hire a county license inspector; to prescribe the duties and compensation of such inspector and to repeal specifically Act No. 79-595 of the 1979 Regular Session of the Legislature and all other laws in conflict with this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carothers, Clark (G), Cobb, Cosby, Crow, Drinkard, Edwards, Ford, Gregg, Grimsley, Grouby, Hall, Harper (O), Harper (T), McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Smith (C), Smith (J), Starkey, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 992. Relating to Russell County; to amend Section 4 of Act No. 408, S. 689, Regular Session 1978 (Acts of 1978, p. 393), which relates to the method of compensating certain county officers in Russell County, and providing for a clerk hire allowance for each such office, so as to provide further for the hiring of clerks in said office.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Blake, Bowling, Brakefield, Cabaniss, Carothers, Cheatwood, Clark (G), Cobb, Cosby, Crow, Drinkard, Edwards, Ford, Goodwin, Gregg, Grimsley, Grouby, Hall, Harper (O), McMillan, Manley, Naramore, Olive, Owens, Pegues, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Smith (C), Smith (J), Starkey, Stewart, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 993. To authorize the Russell County commission to levy a privilege or license tax on persons, corporations, co-partnerships, companies, agencies and associations selling, distributing, or delivering any malt or brewed beverages to retailers in Russell County except within the city limits of Phenix City and Hurtsboro and two cents in the Phenix City and Hurtsboro police jurisdictions; to authorize the county commission to collect the tax and to effect distribution thereof to Russell County to be used for the county school system and the county general fund; to authorize the county commission to make rules and regulations to govern enforcement and collection of the tax; to provide for the use of the proceeds derived from the tax; and to repeal Act No. 80-487, H. 933, 1980 Regular Session (Acts 1980, p. 757), relating to a levy of a privilege or license tax for the sale of malt or brewed beverages to certain retailers in Russell County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Blake, Brakefield, Carothers, Clark (G), Clark (W), Cobb, Cosby, Crow, Edwards, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Harper (O), Johnson (R. G.), McKee, McMillan, Manley, Minus, Mitchell, Naramore, Owens, Pegues, Ray, Reed, Sandusky, Seibels, Smith (C), Starkey, Stewart, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 995. Proposing an amendment to the Constitution of Alabama of 1901 authorizing Chilton County to levy and collect a special property tax on property outside the corporate limits of any incorporated municipality in such county, the proceeds of which shall be used to provide fire, medical and emergency services to unincorporated areas of the county; providing for its operation if approved by a majority of the qualified electors of the county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Carothers, Cates, Clark (G), Cobb, Cooley, Crow, Daniels, Drinkard, Edwards, Gafford, Goodwin, Greer, Gregg, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Johnson (R. G.), Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Riddick, Sandusky, Sasser, Seibels, Smith (C), Smith (M), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—67

And the bill:

H. 996. Relating to DeKalb County; to provide for the distribution of funds received by the county from payments in lieu of taxes made by the Tennessee Valley Authority.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Blake, Boles, Brakefield, Carothers, Carter, Clark (G), Clark (W), Cobb, Cosby, Crow, Dial, Edwards, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Harper (O), Johnson (R. G.), Langford, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Olive, Payne, Pegues, Rains, Ray, Reed, Sandusky, Sasser, Seibels, Smith (C), Smith (J), Starkey, Stewart, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—57

And the bill:

H. 998. Relating to Macon County; providing further for the expense allowances of the members of the jury commission; repealing Act No. 80-776, S. 130, 1980 Regular Session (Acts 1980, p. 1611); and providing for the termination of the provisions of this Act.

Was taken up

AMENDMENT OFFERED

Rep. Reed offered the following amendment to the bill, H. 998:

Amend H. B. 998 on page 1, Section 1, line 21 by deleting the period (.) after the word "allowance" and inserting in lieu thereof the following: at the discretion of the County Commission.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 50: Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Blake, Brakefield, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Crow, Drinkard, Edwards, Goodwin, Greer, Grouby, Hall, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Owens, Pegues, Penry, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Ward, Warren, Whatley, Willis, Wyatt and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was quorum present.

And the bill, H. 998, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Brakefield, Carter, Clark (G), Clark (W), Cobb, Cosby, Crow, Drinkard, Edwards, Ford, Greer, Gregg, Grouby, Hall, Kelley, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Penry, Rains, Ray, Reed, Sasser, Seibels, Smith (C), Smith (J), Starkey, Stewart, Trammell, Venable, Ward, Warren, Whatley, Willis and Wyatt.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 999. Relating to Macon County; providing a travel allowance for members of the county commission.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Albright, Barton, Bennett, Brakefield, Clark (G), Clark (W), Cobb, Cosby, Crow, Drinkard, Edwards, Ford, Greer, Gregg, Grimsley, Grouby, Hall, Johnson (R. G.), Kelley, Langford, McKee, McMillan, Manley, Minus, Mitchell, Parker, Pegues, Penry, Rains, Reed, Sandusky, Sasser, Seibels, Smith (C), Smith (J), Starkey, Venable, Ward, Warren, Whatley, Willis and Wyatt.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1000. To provide for a special recording fee, in addition to all existing recording fees and charges for documents hereafter filed for record in Macon County; and to prescribe the use thereof.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bennett, Blake, Brakefield, Carter, Clark (G), Clark (W), Cobb, Cosby, Crow, Daniels, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Grimsley, Hall, Kelley, McKee, McMillan, Manley, Minus, Mitchell, Olive, Parker, Pegues, Penry, Rains, Ray, Reed, Sandusky, Seibels, Smith (C), Smith (J), Starkey, Stewart, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1001. Relating to Macon County; to provide for an additional expense allowance for the Board of Registrars of said county; and to repeal Act No. 421, H. 1008, 1965 Regular Session (Acts 1965, p. 623).

Was taken up.

AMENDMENT OFFERED

Rep. Reed offered the following amendment to the bill, H. 1001:

Amend H. B. 1001 on page 1, Section 1, line 22 by deleting the period (.) after the word "day" and inserting in lieu thereof the following: at the discretion of the County Commission.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bennett, Biddle, Blake, Brakefield, Carter, Clark (G), Cobb, Coburn, Crow, Daniels, Dixon, Edwards, Ford, Gafford, Greer, Grimsley, Grouby, Hall, Johnson (R. G.), Kennedy, McKee, McMillan, Manley, Minus, Mitchell, Moore, Penry, Rains, Ray, Reed, Sandusky, Seibels, Shoemaker, Smith (C), Smith (M), Stewart, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 1001, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 38; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Blake, Cabaniss, Carter, Clark (G), Coburn, Crow, Drinkard, Edwards, Gilmer, Greer, Grouby, Hall, Hammett, Harper (O), Horn, Kennedy, Langford, McKee, Manley, Mitchell, Owens, Ray, Reed, Seibels, Smith (C), Smith (J), Starkey, Stewart, Turner, Venable, Ward, Warren, Willis and Wyatt.

—38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 217. To be known as a Third Party Prescription Program Act, establishing the rights and responsibilities of parties engaged in third party prescription programs; defining certain terms; providing for notice procedures, cancellation procedures, provisions to be included in contractual agreements pertaining to third party prescription programs; outlining conditions under which payment by the program administrator to the pharmacy may or may not be denied; establishing reimbursement rates; providing exceptions and repealing all conflicting laws.

Also:

H. 421. To create the office of license commissioner in Houston County; to provide for his appointment; to fix his compensation and allowance, prescribe his duties, define his powers and provide for the operation of his office.

Also:

H. 512. To change the name of the capitol security officers to state capitol police officers, to provide for the powers, duties, and jurisdiction of state capitol police officers, to provide that state capitol police officers shall be provided a uniform of a type and color as prescribed by the director of finance, and to provide that the state department of finance is authorized to insure state capitol police officers against personal injury or death while discharging their duties.

Also:

H. 765. Relating to the City of Dothan Pension and Retirement System; further amending Sections 5 and 10 of Act No. 103, H. 363 of the 1953 Regular Session (Acts 1953, Vol. I, p. 145), as amended, so as to provide further for creditable service and the perpetuity of the system and relief of members already retired and future retirees.

Also:

H. 798. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

Also:

H. 799. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

Also:

H. 819. Relating to Cleburne County; providing an additional expense allowance for the county tax assessor.

Also:

H. 864. Relating to Choctaw County; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer in said county.

Also:

H. 865. Relating to Choctaw County, authorizing the county governing body to provide for salaries of clerical and secretarial employees which may be hired from time to time to staff the offices of the tax assessor and tax collector.

Also:

H. 866. Relating to Choctaw County; amending the title and Sections 1, 2, and 4 of Act No. 2312, S. 1053, 1971 Regular Session (Acts 1971, p. 3734), and Act No. 80-295, H. 796, 1980 Regular Session (Acts 1980, p. 409-410), relating to the appointment of the county superintendent of education, so as to provide for the election and further for the qualifications and compensation of such officer.

Also:

H. 896. Relating to Geneva County; providing further for the compensation of the coroner and repealing Act No. 56, H. 96, 1959 Regular Session (Acts 1959, p. 223).

Also:

H. 897. Relating to Geneva County; amending Act No. 75, H. 44, 1967 Regular Session, (Acts 1967, p. 107), so as to increase the fee for issuance of pistol permits.

Also:

H. 901. Relating to Baldwin County; directing and requiring Baldwin County Commission to provide for the holding of an advisory election relative to the levying of an additional sales tax to be distributed to the County Board of Education of the said County and used for certain specified public school purposes.

And finds same correctly enrolled.

JACK BIDDLE, III
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

H. 1002. Relating to Macon County; amending further Act No. 102, H. 237, Regular Session 1935 (Local Acts 1935, p. 38), which relates to the selection of the superintendent of education and prescribes his duties, qualifications, compensation and term of office, so as to provide further for his compensation.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bennett, Blake, Brakefield, Cabaniss, Carter, Cheatwood, Clark (G), Coburn, Crow, Dixon, Drinkard, Edwards, Gafford, Gilmer, Greer, Hall, Hammett, Harper (O), Horn, McKee, McMillan, Manley, Mitchell, Naramore, Olive, Penry, Ray, Reed, Sandusky, Seibels, Smith (C), Smith (J), Starkey, Stewart, Turner, Venable, Ward, Warren, Willis and Wyatt.

—44

Nay: Rep. Ford.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1003. To amend Act No. 80-512, 1980 Regular Session, relating to a work release program for Macon County, so as to alter the composition of the board.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Bennett, Biddle, Blake, Brakefield, Carter, Cobb, Coburn, Crow, Drinkard, Edwards, Gafford, Gilmer, Greer, Grouby, Hall, Hammett, Harper (O), Horn, Langford, Lewis, McKee, McMillan, Moore, Naramore, Penry, Rains, Ray, Reed, Seibels, Smith (J), Starkey, Stewart, Turner, Warren, Willis and Wyatt.

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1004. Relating to Macon County; authorizing the county commission and the sheriff to employ additional deputies sheriff and jail personnel in order to comply with the mandates of the federal courts.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Bedsole, Bennett, Biddle, Blake, Brakefield, Carter, Cates, Clark (G), Cobb, Coburn, Crow, Daniels, Drinkard, Edwards, Ford, Gafford, Greer, Grouby, Hall, Hammett, Harper (O), Horn, Howard, Kennedy, Langford, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Pegues, Penry, Rains, Ray, Reed, Sandusky, Seibels, Shavers, Smith (J), Starkey, Stewart, Turner, Venable, Ward, Warren, Willis, Wyatt and Zoghby.

—53

And the bill:

H. 1006. Relating to Macon County; providing for a certain law enforcement substation program throughout the county and establishing a certain trust fund for the support of such program; providing for the hiring of certain additional deputies to staff such substation and providing that the county shall finance certain costs of such program.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Bedsole, Bennett, Biddle, Blake, Brakefield, Carter, Cates, Clark (G), Cobb, Coburn, Crow, Daniels, Drinkard, Edwards, Ford, Gafford, Greer, Grouby, Hall, Hammett, Harper (O), Horn, Howard, Kennedy, Langford, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Pegues, Penry, Rains, Ray, Reed, Sandusky, Seibels, Shavers, Smith (J), Starkey, Stewart, Turner, Venable, Ward, Warren, Willis, Wyatt and Zoghby.

—53

And the bill:

H. 1007. Relating to Macon County; regulating further certain costs and charges of the probate court and certain other fees of the probate judge.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Bedsole, Bennett, Biddle, Blake, Brakefield, Carter, Cates, Clark (G), Cobb, Coburn, Crow, Daniels, Drinkard, Edwards, Ford, Gafford, Greer, Grouby, Hall, Hammett, Harper (O), Horn, Howard, Kennedy, Langford, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Pegues, Penry, Rains, Ray, Reed, Sandusky, Seibels, Shavers, Smith (J), Starkey, Stewart, Turner, Venable, Ward, Warren, Willis, Wyatt and Zoghby.

—53

H. 1005 POSTPONED

On motion of Rep. Reed, the bill, H. 1005, was postponed to the twenty-fourth legislative day.

And the bill:

H. 683. To provide a supplement to the salaries of circuit court bailiffs in the Thirteenth Judicial Circuit.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Bedsole, Bennett, Biddle, Blake, Brakefield, Carter, Cates, Clark (G), Cobb, Coburn, Crow, Daniels, Drinkard, Edwards, Ford, Gafford, Greer, Grouby, Hall, Hammett, Harper (O), Horn, Howard, Kennedy, Langford, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Pegues, Penry, Rains, Ray, Reed, Sandusky, Seibels, Shavers, Smith (J), Starkey, Stewart, Turner, Venable, Ward, Warren, Willis, Wyatt and Zoghby.

—53

And the bill:

H. 839. (With Amendment): To establish the Mobile County Litter Control Act of 1981; to provide purpose and intent; to provide for definitions, penalties, enforcement and collection of fines. To provide for an effective date, severability and the repeal of conflicting acts.

Was taken up.

The questions was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend H. B. 839 on page 3, Section 3, line 14 by striking the words "on the back of" and inserting in lieu thereof the word "with."

And the amendment was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Bedsole, Bennett, Biddle, Blake, Brakefield, Carter, Cates, Clark (G), Cobb, Coburn, Crow, Daniels, Drinkard, Edwards, Ford, Gafford, Greer, Grouby, Hall, Hammett,

Harper (O), Horn, Howard, Kennedy, Langford, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Pegues, Penry, Rains, Ray, Reed, Sandusky, Seibels, Shavers, Smith (J), Starkey, Stewart, Turner, Venable, Ward, Warren, Willis, Wyatt and Zoghby.

—53

And the bill, H. 839, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Bedsole, Bennett, Biddle, Blake, Brakefield, Carter, Cates, Clark (G), Cobb, Coburn, Crow, Daniels, Drinkard, Edwards, Ford, Gafford, Greer, Grouby, Hall, Hammett, Harper (O), Horn, Howard, Kennedy, Langford, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Pegues, Penry, Rains, Ray, Reed, Sandusky, Seibels, Shavers, Smith (J), Starkey, Stewart, Turner, Venable, Ward, Warren, Willis, Wyatt and Zoghby.

—53

And the bill:

H. 905. Relating to Mobile County; to prohibit the possession of certain firearms on parts of the Escatawpa River.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Bedsole, Bennett, Biddle, Blake, Brakefield, Carter, Cates, Clark (G), Cobb, Coburn, Crow, Daniels, Drinkard, Edwards, Ford, Gafford, Greer, Grouby, Hall, Hammett, Harper (O), Horn, Howard, Kennedy, Langford, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Pegues, Penry, Rains, Ray, Reed, Sandusky, Seibels, Shavers, Smith (J), Starkey, Stewart, Turner, Venable, Ward, Warren, Willis, Wyatt and Zoghby.

—53

And the bill:

H. 935. To amend Title 16, Section 39, Subsection 7 of the Code of Alabama, 1975, so as to require that twenty (20) percent of the teacher units now allocated for the instruction of Exceptional Children in Mobile County be reallocated for the gifted child.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Bedsole, Bennett, Biddle, Blake, Brakefield, Carter, Cates, Clark (G), Cobb, Coburn, Crow, Daniels, Drinkard, Edwards, Ford, Gafford, Greer, Grouby, Hall, Hammett,

Harper (O), Horn, Howard, Kennedy, Langford, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Pegues, Penry, Rains, Ray, Reed, Sandusky, Seibels, Shavers, Smith (J), Starkey, Stewart, Turner, Venable, Ward, Warren, Willis, Wyatt and Zoghby.

—53

And the bill:

S. 571. Relating to Madison County; to amend Section 1 of Act No. 120, H. 599, Regular Session of 1973 (Acts 1973, p. 153), so as to provide further for expense allowances of certain county officers.

Was read a third time at length and passed.

Yeas 32; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bennett, Blake, Cabaniss, Cates, Clark (G), Cobb, Coburn, Cosby, Crow, Drinkard, Ford, Greer, Grouby, Hall, Hammett, Harper (O), Langford, Pegues, Rains, Reed, Riddick, Seibels, Smith (J), Smith (M), Starkey, Venable, Ward, Willis and Wyatt.

—32

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 958. Relating to Madison County, Alabama; providing further for the compensation of the members of the Madison County Board of Education.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 31; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Brakefield, Cabaniss, Clark (G), Cobb, Coburn, Cosby, Crow, Drinkard, Edwards, Ford, Goodwin, Greer, Hall, Hammett, McMillan, Manley, Mitchell, Pegues, Penry, Rains, Reed, Riddick, Seibels, Shavers, Smith (J), Ward, Willis and Wyatt.

—31

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 902. To authorize a procedure whereby the Sheriff of Madison County, Alabama is authorized to offer for public auction to the highest bidder for cash abandoned and stolen personal property which has been

recovered by the Sheriff's Department of Madison County and stored by said Department but which has been unclaimed after six (6) months; to provide that such auctions are to be made after notice of the time and place thereof shall have been given publication once a week for two weeks in a newspaper of general circulation published in Madison County, Alabama or by posting in a conspicuous place at the Madison County Courthouse; to provide that the first publication or posting of said notice shall be twenty days before the said auction; to provide a procedure for the conduct of said auction; to provide that the owner of any of the abandoned or stolen property recovered and stored by the Sheriff of Madison County, Alabama may redeem the same at anytime prior to its sale by paying any reasonable storage or maintenance costs incurred and a pro rata cost of publication and further providing that after deducting and paying all expenses incurred in storing or auctioning the said property, all proceeds from the sale of said property shall be paid into the general fund of Madison County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 38; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Blake, Brakefield, Cabaniss, Carter, Clark (G), Cobb, Coburn, Cosby, Crow, Daniels, Edwards, Gilmer, Hall, Hammett, Harper (O), Johnson (R. G.), McMillan, Manley, Naramore, Pegues, Penry, Rains, Ray, Reed, Riddick, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Ward, Warren, Whatley, Willis and Wyatt.

—38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 957. Relating to Perry County; to amend further Section 1 of Act No. 348, H. 868, Regular Session 1969 (Acts 1969, p. 720), relating to a clerk hire allowance and expenses of the tax assessor and tax collector, so as to provide for an additional clerk for the tax assessor.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 36; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Brakefield, Cabaniss, Carter, Cates, Cobb, Coburn, Cosby, Crow, Edwards, Goodwin, Grouby, Hall, Harper (O), Laird, Langford, Olive, Parker, Pegues, Rains, Ray, Reed, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Ward, Warren, Whatley, Williams, Willis and Wyatt.

—36

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 970. Relating to Lowndes County; fixing the fee for issuance of a pistol permit fee by the sheriff; providing for the distribution and use of such fees; and to repeal Act No. 119, H. 108 (Acts of Alabama 1969, p. 109), Regular Session 1969, as amended, and all other laws or parts of laws in conflict herewith.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 36; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Brakefield, Cabaniss, Carter, Clark (G), Coburn, Cosby, Crow, Edwards, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Langford, McKee, Naramore, Olive, Owens, Parker, Pegues, Rains, Ray, Reed, Seibels, Shoemaker, Smith (J), Turner, Ward, Whatley, Willis, Wyatt and Zoghby.

—36

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 971. Relating to Randolph County; providing further for an expense allowance for the county commission of said county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 38; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Brakefield, Cabaniss, Cates, Clark (G), Coburn, Crow, Dial, Edwards, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Laird, Langford, McKee, Manley, Moore, Naramore, Olive, Pegues, Rains, Ray, Reed, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Ward, Warren, Whatley, Willis and Wyatt.

—38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 972. Relating to county health officers or administrators in Randolph County; authorizing such persons to issue official death certificates; and providing penalties for violation of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Biddle, Blake, Brakefield, Cabaniss, Carter, Clark (G), Coburn, Crow, Edwards, Goodwin, Grouby, Hall, Hammett, Harper (O), Laird, Lewis, McKee, Moore, Naramore, Olive, Parker, Pegues, Rains, Ray, Reed, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Ward, Warren, Whatley, Willis and Wyatt.

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 504. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Banks, in Pike County.

Was read a third time at length and passed.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Biddle, Blake, Brakefield, Carter, Cates, Clark (G), Coburn, Cosby, Crow, Edwards, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Langford, Lewis, McKee, Moore, Naramore, Owens, Parker, Payne, Pegues, Rains, Ray, Reed, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Ward, Warren, Whatley, Willis and Wyatt.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Bennett, Waggoner and Amari:

H. R. 298. COMMENDING BARBARA W. MURPHY FOR HER DILIGENT EFFORTS LEADING TO THE OPTION FOR GRADUATE WORK IN SUBJECT AREA FOR TEACHERS.

SPECIAL ORDER RESUMED

And the bill:

H. 631. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1982.

As amended and temporarily postponed on the seventeenth legislative day, was taken up.

SUBSTITUTE OFFERED

Rep. Owens offered the following substitute No. 2 to the bill, H. 631 as amended:

A BILL
TO BE ENTITLED
AN ACT

To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1982.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the support of public education in Alabama for the fiscal year ending September 30, 1982 and for the public debt, to be paid out of funds specified in subsection (a) of Section 2 of this Act, the amounts specified in Sections 3 to 6, inclusive. For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs are shown so as to include estimated sources of funds other than the appropriation made in subsection (a) of Section 2 of this Act. For the purpose of this Act, "ASETF" shall mean the Alabama Special Educational Trust Fund.

Section 2. (a) The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund, Alabama Special Educational Trust Fund Surplus Account, Special Mental Health Fund, and Public School Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1982 and except as may be otherwise expressly provided, the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Article 4, Chapter 4, Title 41 of the Code of Alabama, 1975), the provisions of Act No. 494 adopted at the 1976 Regular Session, and shall be in the amounts hereinafter specified.

(b) Amounts shown herein under the columns "Trust Funds" and "Appropriation Total" are set forth for the purpose of indicating amounts estimated to be available by programmatic area from sources other than from appropriations made in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available to promote the accountability for and efficient use of the funds available to and hereby appropriated by the Legislature, it being the intention hereof to make appropriations only from the funds referred to in subsection (a) of this Section 2.

Provided, that if, at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

Section 3:

A. STATE AGENCIES

1. Academy of Honor, Alabama:

(a) Historical Resources Management Program	903
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SOURCE OF FUNDS:

(1) ASETF	903	
Total Alabama Academy of Honor.	903	903

2. Arts and Humanities, Council on the

(a) Fine Arts Program	998,750
(b) Birmingham Symphony	200,000
(c) Alabama Shakespeare Festival	25,000
(d) Jefferson County Committee for Economic Opportunity, Inc.	25,000

SOURCE OF FUNDS:

(1) ASETF	498,750		
(2) Federal and Local Funds		750,000	
Total Council on the Arts and Humanities	498,750	750,000	1,248,750

3. Debt Service

(a) For the payment of principal and interest due on bonds issued by the University of Alabama Research Institute pursuant to Constitutional Amendment No. CLVII	218,256
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(b) Interest on Endowments:

For interest on University of Montevallo (Alabama College) Endowment, Estimated ...	45,000
For interest on Auburn University Endowment	20,280
For interest on University of Alabama Endowment	61,000
For interest on Grove Hill Endowment	600
For interest on Public School Fund Endowment:	
Interest on 16th Section Lands Estimated	410,000
Interest on School Indemnity Lands Estimated	90,000

Interest on Valueless 16th Section
Lands 5,825
Interest on Surplus Reve-
nue 26,764
Interest on James Wallace
Fund 275
Total 659,744

SOURCE OF FUNDS:

(1) ASETF	878,000	
Total Debt Service	878,000	<u>878,000</u>

4. Dental Scholarship Awards,
Board of:

(a) Support of Other Educational Activities Programs		228,000
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SOURCE OF FUNDS:

(1) ASETF	228,000	
Total Board of Dental Scholarship Awards	228,000	<u>228,000</u>

(To be expended under the provi-
sions of Act No. 662, 1977 Regu-
lar Session.)

5. Education, Department of

(a) Instructional Technical Assis- tance Program		7,743,324
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The proposed spending plan for the
above is as follows:

Career Education 98,000
Special Education
Administration 450,000
State Fire College and Technical
Assistance Program at Shelton
State Community
College 200,000
Vocational Education ... 651,000

SOURCE OF FUNDS:

(1) ASETF	1,399,000		
(2) Federal and Local Funds		6,344,324	
Total Instructional Technical As- sistance Program	1,399,000	6,344,324	<u>7,743,324</u>

(The appropriation for Special Edu-
cation Administration is the
same appropriation as set out in
Act No. 67, approved June 27,
1963, and shall be expended in
accordance with that Act.)

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(b) Local Agency Support Program	10,559,824
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The proposed spending plan for the above is as follows:

Coordination of In-School Television 85,000

Driver Education, School Bus Driver Training and Vehicle Safety Inspection 192,000

Free Textbooks 7,705,000

In addition to the above appropriation, \$1,500,000 is hereby appropriated for Free Textbooks to be conditioned on the availability of funds and the approval of the Governor.

Testing 500,000

Plans and Surveys 66,000

SOURCE OF FUNDS:

(1) ASETF	8,548,000		
(2) Federal and Local Funds		2,011,824	
Total Local Agency Support Program	8,548,000	2,011,824	10,559,824

(c) Regulation Program	912,246
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Teacher Certification and Accreditation 211,000

SOURCE OF FUNDS:

(1) ASETF	211,000		
(2) Federal and Local Funds		701,246	
Total Regulation Program	211,000	701,246	912,246

(d) Administrative Services Program	10,816,575
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The proposed spending plan for the above is as follows:

Compact for Education ... 27,000

Operations and Maintenance of Department 2,340,000

Telephone Revolving Fund 1,116,000

SOURCE OF FUNDS:

(1) ASETF	3,483,000		
(2) Federal and Local Funds		7,333,575	
Total Administrative Services Program	3,483,000	7,333,575	10,816,575

The above appropriation shall include a transfer to the State Personnel Department of \$63,494.

(e) Adult Education Program ... 3,613,923

The proposed spending plan for the above is as follows:

Adult Basic Education .. 950,000

Community Education ... 91,200

SOURCE OF FUNDS:

(1) ASETF 1,041,200

(2) Federal and Local Funds 2,572,723

Total Adult Education Program . 1,041,200 2,572,723 3,613,923

(f) Support of State Universities Program 256,833

SOURCE OF FUNDS:

(1) Federal and Local Funds 256,833

Total Support of State Universities Program 256,833 256,833

(g) Projects-Vocation Rehabilitation/Crippled Children Services Program 734,443

SOURCE OF FUNDS:

(1) Federal and Local Funds 734,443

Total Projects-Voc. Rehab/Crippled Children Services Program 734,443 734,443

(h) Disability Determination for Social Security Program 9,650,611

SOURCE OF FUNDS:

(1) Federal and Local Funds 9,650,611

Total Disability Determination for Social Security Program 9,650,611 9,650,611

(i) Support of Other Educational Activities 9,300

The proposed spending plan for the above is as follows:

Education of Dependents of Blind Parents 9,300

SOURCE OF FUNDS:

(1) ASETF 9,300

Total Support of Other Educational Activities 9,300 9,300

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For reimbursement of every State Institution of Higher Learning, College, University, or Trade School or Junior College, in which benefits are given to dependents of blind parents under the provisions of Act No. 281, 1966 Special Session.

(j) Emergency Medical Services Education Program	1,500,000
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To be distributed by the Department of Education as follows:

- | | |
|---|---------|
| (1) West Alabama Emergency Services, Inc. | 250,000 |
| (2) Birmingham Regional Emergency Medical System | 250,000 |
| (3) North Alabama Emergency Medical Services, Inc. . | 250,000 |
| (4) Southeast Alabama Emergency Medical Services System, Inc. | 250,000 |
| (5) East Alabama Emergency Medical Services, Inc. . | 250,000 |
| (6) Southwest Alabama Emergency Medical Services Council, Inc. | 250,000 |

The amounts herein appropriated shall be used for the operation and maintenance of the various medical services programs named and for the purchase of instructional supplies and new instructional equipment for such programs.

SOURCE OF FUNDS:

(1) ASETF	<u>1,500,000</u>	
Total Emergency Medical Services Education Program	<u>1,500,000</u>	<u>1,500,000</u>
(k) Direct Client Services for the Handicapped		40,293,054
To be distributed by the State Department of Education as follows:		
Crippled Children Services Program	4,000,000	
Hemophilia Program	279,000	
Homebound Program	2,000,000	
Rehabilitation Services Program	5,785,000	

Handicapped Recreation Program	186,000		
(To provide recreation and services at a year round accredited handicapped recreation facility.)			
SOURCE OF FUNDS:			
(1) ASETF	12,250,000		
(2) Federal and Local Funds		<u>28,043,054</u>	
Total Direct Client Services for the Handicapped	<u>12,250,000</u>	<u>28,043,054</u>	<u>40,293,054</u>
(1) Project to Develop a Financial Management Information System			39,000
SOURCE OF FUNDS:			
(1) ASETF	19,000		
(2) Federal and Local Funds		<u>20,000</u>	
Total Project to Develop a Financial Management Information System	<u>19,000</u>	<u>20,000</u>	<u>39,000</u>
Total Department of Education:			
SOURCE OF FUNDS:			
(1) ASETF	28,460,500		
(2) Federal and Local Funds		<u>57,668,633</u>	
Grand Total Department of Education	<u>28,460,500</u>	<u>57,668,633</u>	<u>86,129,133</u>
6. Employees Insurance, State ..			597,074
SOURCE OF FUNDS:			
(1) ASETF	<u>597,074</u>		
Total State Employees Insurance	<u>597,074</u>		<u>597,074</u>
7. Employees Retirement, State ..			321,668
SOURCE OF FUNDS:			
(1) ASETF	<u>321,668</u>		
Total State Employees Retirement	<u>321,668</u>		<u>321,668</u>
8. Examiners of Public Accounts			
(a) Legislative Support—Audit Services Program			1,007,966
For purpose of auditing all phases of public education.			
SOURCE OF FUNDS:			
(1) ASETF	1,007,966		
Total Examiners of Public Accounts	<u>1,007,966</u>		<u>1,007,966</u>

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9. Fine Arts, Alabama School of

(a) Fine Arts Program	943,000
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SOURCE OF FUNDS:

(1) ASETF	855,000
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(2) Federal and Local Funds	88,000
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Total Alabama School of Fine Arts.	855,000	88,000	943,000
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10. Firefighters' Personnel Standards and Education Commission, Alabama

(a) Professional and Occupational Licensing & Regulation Program	128,559
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The appropriation to the Alabama Firefighters Education Commission shall include a transfer to the State Personnel Department of \$196.

SOURCE OF FUNDS:

(1) ASETF	128,559
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Total Alabama Firefighters' Personnel Standards and Education Commission	128,559	128,559
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11. Health, Department of Public

(a) Health Support Services Program	395,794
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For immunization of preschool children and students and for public school food sanitation.

(b) Personal Health Improvement Program	791,706
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Provided, however, that the above appropriation shall be expended only for the continuation of a perinatal program whose expenditure guidelines shall be developed in conjunction with the Perinatal Advisory Committee of the State Committee of Public Health. Such guidelines shall be comprehensive enough to serve as a statewide perinatal plan in meeting federal matching requirements.

SOURCE OF FUNDS:

(1) ASETF	1,187,500
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Total Department of Public Health	1,187,500	1,187,500
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12. Higher Education, Commission on

(a) Planning & Coordination Services Program	824,237
(b) Alabama Student Assistance Program	1,562,781
(c) Alabama Student Grant Program	3,000,000

SOURCE OF FUNDS:

(1) ASETF	4,200,000		
(2) Federal and Local Funds		<u>1,187,018</u>	
Total Commission on Higher Education	<u>4,200,000</u>	<u>1,187,018</u>	<u>5,387,018</u>

The Alabama Student Grant funds are to be expended in accordance with Act No. 90, 1978, Second Special Session.

13. Industrial Development Training Institute, Alabama

(a) Industrial Training Program	1,200,000
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SOURCE OF FUNDS:

(1) ASETF	1,200,000		
(2) Federal and Local Funds			
Total Alabama Industrial Development Training Institute	<u>1,200,000</u>		<u>1,200,000</u>

14. Junior College School System:

(a) Academic Instruction and Institutional Support Program ..	66,418,207
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SOURCE OF FUNDS:

(1) ASETF	42,508,475		
(2) Federal and Local Funds		9,147,864	
(3) State Funds		755,547	
(4) Other Funds		9,743,216	
(5) Auxiliary Enterprises		<u>4,263,105</u>	
Total Junior College School System	<u>42,508,475</u>	<u>23,909,732</u>	<u>66,418,207</u>

This appropriation to the Alabama State Board of Education for the Junior College Equalization Account is to be used for operation and maintenance of the Junior Colleges listed below and is to be distributed on the following formula: \$200,000 to each Junior College. The remainder of the appropriation is to be allotted to each Junior College in accordance with its percentage of the total credit hours attempted for the four quarters of the school year 1980-81 by all the Junior Colleges listed in this appropriation,

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provided, however, the nursing and allied health programs will be funded on a cost basis based upon the 1980-81 academic year in accordance with the number of quarter hours attempted within the departments. Junior Colleges with credit producing programs in Alabama Correctional Institutions shall be reimbursed for tuition that is waived. Continuing education unit hours shall be excluded from the computations herein required. (The above appropriation is to be distributed to the following Junior Colleges: (1) Alexander City State Junior College; (2) S. D. Bishop Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chatahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Junior College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama State Junior College; (15) Snead State Junior College; (16) Southern Union State Junior College; (17) George Corley Wallace State Community College (Selma); (18) George C. Wallace State Community College (Dothan); (19) Lurleen B. Wallace State Junior College; (20) George C. Wallace Community College at Hanceville; (21) Shelton State Community College). Of the above appropriations contained herein in Section 3-A-14 not more than the sum of \$300,000 may be used by the State Board of Education for administration of the state junior college program.

15. Law Institute, Alabama

(a) Support of Other Educational Activities Programs	211,000
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SOURCE OF FUNDS:

(1) ASETF	211,000	
Total Alabama Law Institute	211,000	211,000

16. Legislature

(a) House and Senate Operations and Support Program	1,425,000
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SOURCE OF FUNDS:

(1) ASETF	1,425,000	
Total Legislature	1,425,000	1,425,000

17. Library Service, Public

(a) Public Library Service Program	4,159,162
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The appropriation to the Public Library Service shall include a transfer to the State Personnel Department of \$2,779.

SOURCE OF FUNDS:

(1) ASETF	3,000,000		
(2) Federal and Local Funds		1,159,162	
Total Public Library Service	3,000,000	1,159,162	1,159,162

18. Marine Environmental Sciences Consortium

(a) Support of Other Educational Activities Program	547,628
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SOURCE OF FUNDS:

(1) ASETF	400,000		
(2) Federal and Local Funds		<u>147,628</u>	
Total Marine Environmental Sciences Consortium	<u>400,000</u>	<u>147,628</u>	<u>547,628</u>

19. Medical Scholarships Awards, Boards of

(a) Support of Other Educational Activities Program	711,000
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SOURCE OF FUNDS:

(1) ASETF	<u>711,000</u>		
Total Board of Medical Scholarships Awards	<u>711,000</u>		<u>711,000</u>

(To be expended under the provisions of Act No. 663, 1977 Regular Session.)

20. Minimum Program and Public School Fund:

(a) Financial Assistance Program	455,325,711
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SOURCE OF FUNDS:

(1) ASETF	424,649,226		
(2) Public School Fund		26,000,000	
(3) Local Funds		<u>4,676,485</u>	
Total Minimum Program and Public School Fund	<u>424,649,226</u>	<u>30,676,485</u>	<u>455,325,711</u>

The above appropriation shall be paid in accordance with Title 16, Article 3, Code of Alabama, 1975 and all other legislation pertaining thereto.

The appropriation hereinabove set out for the fiscal year 1981-82 is based on 23,811 teacher units.

It is provided in the event there are more than 23,811 earned teacher units for the fiscal year 1981-82, then such amount necessary to pay for these excess teacher units is hereby appropriated. It is further provided that in the event that there be less earned teacher units than those set out above then the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid.

In allocating the funds in sub-section (a) the State Board of Education shall allot as follows:

The amount necessary for the payment of Board of Adjustment awards in accordance with the Minimum Program statutes and regulations.

For "Salaries" the sum shall not exceed a total of \$351,436,689. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$16,428	2,507.30	\$ 41,189,924
I	15,382	12,536.49	192,836,289
II	13,392	8,767.21	117,410,476
III	11,276	0	0
IV	9,792	0	0
TOTALS		23,811.00	\$351,436,689

For "Principal Supplement", the sum shall not exceed \$100.00 for each earned teacher unit for a total of \$2,381,100.

For "Other Current Expenses" the sum shall not exceed \$2,118.86 for each earned teacher unit for a total of \$50,452,249.

For "Capital Improvements" the sum shall not exceed \$64.87 for each earned teacher unit for a total of \$1,544,620.

The above appropriation contained in sub-section (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of \$49,361,053.

21. Board of Education

(a) Financial Assistance Program 235,913,178

SOURCE OF FUNDS:

(1) ASETF 235,913,178

Total Board of Education 235,913,178 235,913,178

(a) To be distributed by State
Board of Education for: Hospital
Medical Insurance Assistance for
Professional Staff, Support Staff,
and Adult School Bus
Drivers 15,109,255

Of the appropriation hereinabove made for Hospital Medical Insurance there is hereby appropriated the sum of two hundred forty-seven dollars and twenty cents (\$247.20) per annum per teacher, administrative supervisory unit, full time support employee, and adult school bus driver, provided that no more than \$247.20 shall be appropriated per person.

(b) Teachers Sick Leave 3,723,744

Of the appropriation hereinabove made for Teachers Sick Leave the rate of not more than \$17 per day is hereby appropriated.

(c) Support Personnel Sick
Leave 1,564,483

The appropriation hereinabove shall provide sick leave in accordance with Act No. 208, 1977 Regular Session.

(d) Teachers Personal

Leave 925,598

The appropriation hereinabove made to Teachers Personal Leave provides for two (2) days personal leave at \$17 per teacher unit for each teacher employed (except ESEA Title I, Title IV and Title VI teachers and ESAA teachers).

(e) Funds to Replace

Fees 6,405,516

Of the appropriation hereinabove made for Funds to Replace Fees there is hereby appropriated two hundred dollars (\$200) per teacher unit for grades K-12 for all teachers employed (except ESEA, Title I, Title IV, and Title VI teachers and ESAA teachers).

(f) Maintenance 5,000,000

(g) Continuation of funds previously granted for Special Education 24,048,991

Of the appropriation hereinabove made \$1,200,000 shall be allocated to local boards of education and administered through the State Department of Education for meeting matching requirements of Federal Legislation (P.L. 94-482) for vocational education for the handicapped. Of the \$24,048,991 for Special Education, \$250,000 shall be allocated to the Tuscaloosa Regional **Handicapped School**, \$250,000 shall be allocated to the Southwest Alabama School for Deaf and Blind and \$250,000 for the Vivian B. Adams School, \$25,000 shall be allocated to the Butler County Training School for the Mentally Retarded in Greenville, Alabama, \$25,000 shall be allocated to the Hope Haven School in Colbert County, \$25,000 shall be allocated to the Jasper Shriner School, \$25,000 shall be allocated to the Montgomery Institute of Neurological Development in Montgomery, Alabama, \$35,000 shall be allocated to the Birmingham Training Center for Brain-Injured Children in Birmingham, Alabama, \$25,000 shall be allocated to Project Independence in Coffee County, Alabama, \$50,000 to the Houston County Board of Education for the Vaughn-Blumberg center for the Developmentally Disabled, and \$18,000 to Auburn University Preschool for Multi-handicapped children. An amount approved by the State Board of Education may be distributed by the State Board of Education to the Alabama Institute for Deaf and Blind to implement the purposes of Act No. 106 and P.L. 94-142.

(h) Kindergarten teacher

units 18,300,203

The above appropriation is for 1080 teacher units and includes salaries, other current expenses, and capital outlay at the following rates:

For "Salaries" the sum shall not exceed a total of \$15,941,774. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however the total amount allotted for salaries shall remain the same.

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Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$16,428	114	\$ 1,872,792
I	15,382	569	8,752,358
II	13,392	397	5,316,624
TOTALS		1080	\$15,941,774

For "Other Current Expenses" the sum shall not exceed \$2,118.86 for each earned teacher unit for a total of \$2,288,369.

For "Capital Improvements" the sum shall not exceed \$64.87 for each earned teacher unit for a total of \$70,060.

(i) Driver Education Units 5,654,920

The above appropriation is for 324 driver education units and includes salaries, other current expenses, and capital outlay at following rates:

For "Salaries" the sum shall not exceed a total of \$4,947,391. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$16,428	50	\$ 821,400
I	15,382	225	3,460,950
II	13,392	49	665,041
TOTALS		324	\$4,947,391

For "Other Current Expenses" the sum shall not exceed \$2,118.86 for each earned teacher unit for a total of \$686,511.

For "Capital Improvements" the sum shall not exceed \$64.87 for each earned teacher unit for a total of \$21,018.

(j) Supportive teacher units 28,854,989

The above appropriation provides for one extra unit or fraction thereof for each aggregate of fifteen units or fraction thereof earned on regular units in the Minimum Program, Kindergarten units in subsection (h), and additional units in subsection (k). The above appropriation is for 1703 teacher units and includes salaries, other current expenses, and capital outlay at the following rates:

For "Salaries" the sum shall not exceed a total of \$25,136,096. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$16,428	180	\$ 2,957,040
I	15,382	896	13,782,272
II	13,392	627	8,396,784
TOTALS		1703	\$25,136,096

For "Other Current Expenses" the sum shall not exceed \$2,118.86 for each earned teacher unit for a total of \$3,608,419.

For "Capital Improvements" the sum shall not exceed \$64.87 for each earned teacher unit for a total of \$110,474.

- (k) Continuation of Teacher Units
to reduce pupil-teacher ratio in
grades 1-6 11,014,289

The above appropriation is for 650 teacher units and includes salaries, other current expenses, and capital outlay at the following rates:

For "Salaries" the sum shall not exceed a total of \$9,594,864. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$16,428	69	\$1,133,532
I	15,382	342	5,260,644
II	13,392	239	3,200,688
	TOTALS	650	\$9,594,864

For "Other Current Expenses" the sum shall not exceed \$2,118.86 for each earned teacher unit for a total of \$1,377,259.

For "Capital Improvements" the sum shall not exceed \$64.87 for each earned teacher unit for a total of \$42,166.

- (1) Special Education 55,864,325

The above appropriation is for 3250 teacher units and includes salaries, other current expenses, and capital outlay and transportation at the following rates:

For "Salaries" the sum shall not exceed \$47,967,202. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$16,428	342	\$ 5,618,376
I	15,382	1711	26,318,602
II	13,392	1197	16,030,224
	TOTALS	3250	\$47,967,202

For "Other Current Expenses" the sum shall not exceed \$2,118.86 for each earned teacher unit for a total of \$6,886,295.

For "Capital Improvements" the sum shall not exceed \$64.87 for each earned teacher unit for a total of \$210,828.

For "Transportation" the sum shall not exceed \$800,000.

- (m) Vocational teacher units \$53,317,265

The appropriation hereinabove for Vocational Education shall be disbursed or obligated in accordance with rules and regulations approved by the State Board of Education upon the recommendation of the State Superintendent.

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(n) Salary increase for lunchroom
workers formerly
granted \$6,129,600

22. Nursing, Alabama Board of

(a) Professional and Occupational
Licensing and Regulation Pro-
gram

607,000

The appropriation to the Alabama
Board of Nursing shall include a
transfer to the State Personnel
Department of \$527.

SOURCE OF FUNDS:

(1) ASETF—as provided in Act No.
68, 1977 Special Session, Schol-
arships for Graduate Nurses ..

57,000

(2) Alabama Board of Nursing
Trust Fund—as provided in Title
34, Chapter 21, Code of Alabama
1957, as amended

550,000

Total Alabama Board of Nursing

57,000

550,000

607,000

23. Peace Officers Standards and
Training Commission, Alabama

(a) Professional and Occupational
Licensing and Regulation Pro-
gram

110,025

(b) Certified Law Enforcement
Academy Programs

199,975

Jacksonville State Univer-
sity 38,000

University of Alabama ... 38,000

James H. Faulkner Jr. Col. 38,000

Troy St. Univ. Montgomery 38,000

Dept of Public Safety—Craig
AFB 47,975

The appropriation to the Alabama
Peace Officers Standards and
Training Commission shall in-
clude a transfer to the State Per-
sonnel Department of \$96.

SOURCE OF FUNDS:

(1) ASETF

310,000

Total Alabama Peace Officers
Standards and Training Com-
mission

310,000

310,000

24. Postsecondary Vocational-
Technical Education System

(a) Instructional and Institutional Support Program	50,817,266
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SOURCE OF FUNDS:

(1) ASETF	34,937,234		
(2) Federal and Local Funds		1,314,867	
(3) State Funds		711,425	
(4) Other Funds		9,707,464	
(5) Auxiliary Enterprises		<u>4,146,276</u>	
Total Postsecondary Vocational-Technical Education System ..	<u>34,937,234</u>	<u>15,880,032</u>	<u>50,817,266</u>

For the operations and maintenance of the Vocational Technical Schools listed below, to be distributed in accordance with a formula adopted by the State Board of Education. (The above appropriation is to be distributed to the following Vocational-Technical Schools: (1) Atmore State Technical Institute; (2) Alabama Aviation and Technical College; (3) Alabama Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State Technical College; (6) John C. Calhoun State Community College-Technical Division; (7) Carver State Technical College; (8) J. F. Drake State Technical College (9) Gadsden State Technical Institute; (10) Richmond P. Hobson State Technical College; (11) J. F. Ingram State Technical Institute; (12) Theodore A. Lawson State Community College-Technical Division; (13) Douglas McArthur State Technical College; (14) Muscle Shoals State Technical College; (15) Northwest State Technical College; (16) N. F. Nunnelle State Technical College; (17) Opelika State Technical College; (18) John M. Patterson State Technical College; (19) Ed. E. Reid Technical College; (20) Shelton State Technical College; (21) Southwest State Technical College; (22) Chauncy Sparks State Technical College; (23) Council Trenholm State Technical College; (24) C. A. Fredd State Technical College; (25) Walker State Technical College; (26) George Corley Wallace State Community College-Technical Division (Selma); (27) George C. Wallace State Community College-Technical Division (Dothan); (28) George C. Wallace State Community College-Technical Division (Hanceville). Of the above appropriations contained herein in Section 3-A-24 not more than the sum of \$300,000 may be used by the State Board of Education for administration of the Vocational-Technical School Program.

25. Social Security (ASETF Share)

(a) For State's share of Social Security, Estimated	80,424,668
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(Includes payment to MICA)

SOURCE OF FUNDS:

(1) ASETF	<u>80,424,668</u>	
Total Social Security	<u>80,424,668</u>	<u>80,424,668</u>

26. Teachers' Retirement System of Alabama

(a) Retirement Systems Program	146,446,578
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SOURCE OF FUNDS:

(1) ASETF—Teachers Retirement System	133,034,178
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(2) ASETF—Teachers Special Pension Fund 13,412,400

Total Retirement Systems Program (State's Share) 146,446,578 146,446,578

In addition to the above appropriation, \$24,216,322 is hereby appropriated for the Teachers' Retirement System to be conditioned on the verification of need, the availability of funds and the approval of the Governor.

The above appropriation shall be expended in accordance with the statutes and regulations now or hereafter existing relating to the expenditure of such Teachers' Retirement Fund.

27. Tenure Commission, State

(a) Regulation Program 8,550

SOURCE OF FUNDS:

(1) ASETF 8,550

Total State Tenure Commission . 8,550 8,550

28. Television Commission, Education

(a) Educational TV Services Program 2,858,131

(b) Public Radio Services Program 424,436

SOURCE OF FUNDS:

(1) ASETF 2,000,000

(2) Federal and Local Funds 1,282,567

Total Education Television Commission 2,000,000 1,282,567 3,282,567

29. Unemployment Compensation 1,750,000

SOURCE OF FUNDS:

(1) ASETF 1,750,000

Total Unemployment Compensation 1,750,000 1,750,000

30. Veterans' Education Benefits

(a) Administration of Veterans' Affairs Programs 1,154,250

SOURCE OF FUNDS:

(1) ASETF 1,154,250

Total Veterans' Education Benefits	<u>1,154,250</u>	<u>1,154,250</u>
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The above appropriation includes pro-rata administration costs of the Department of Veteran Affairs and for the reimbursement to every State Institution of Higher Learning, College, University, or Junior College, in which benefits are given to veterans, their wives, widows, or children under the provision of Act No. 767, 1965 Regular Session.

31. Youth Services, Department of

(a) Youth Services Program	9,385,491
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The appropriation to the Department of Youth Services shall include a transfer to the State Personnel Department of \$19,187.

SOURCE OF FUNDS:

(1) ASETF	7,704,835		
(2) Federal and Local and Local Funds		<u>1,680,656</u>	
Total Department of Youth Services	<u>7,704,835</u>	<u>1,680,656</u>	<u>9,385,491</u>

Section 4.

A. Financial Assistance to Non-State Educational Agencies

1. Environmental Quality Association, Alabama

(a) Environmental Education Program	162,750
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SOURCE OF FUNDS:

(1) ASETF	<u>162,750</u>	
Total Alabama Environmental Quality Association	<u>162,750</u>	<u>162,750</u>

2. Sylacauga Nurses Training School

(a) Support of Other Educational Activities Program	58,000
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SOURCE OF FUNDS:

(1) ASETF	<u>58,000</u>	
Total Sylacauga Nurses Training School	<u>58,000</u>	<u>58,000</u>

Section 5.

COLLEGES, UNIVERSITIES
AND SCHOOLS

I. Board of Trustees of University
of Alabama

A. The University

1. Operations and Maintenance .	34,673,000	32,814,276	67,487,276
2. Research, Extension and Public Service	1,971,000	254,834	2,225,834
3. Emergency Medical Services .	134,000	106,675	240,675
4. Center for Emotionally disturbed Children	507,000	551,152	1,058,152
5. Nursing Scholarships	17,000		17,000
6. School of Mines	1,104,000	1,078,598	2,182,598
7. Family Practice Center	798,000	746,722	1,544,722
8. A. Alabama Museum of Natural History	59,000	53,337	112,337
B. Maintenance for Moundville St. Park	100,000		100,000
9. College of Community Health Services Medical Education ...	2,318,000	1,463,812	3,781,812
10. Vocational Teacher Training	362,000	213,349	575,349
11. Cooperative University Upper Division Program	206,000	88,895	294,895
12. Rural Infant Stimulation Environment Program	133,000	72,116	205,116
13. High Risk Nursery	108,000		108,000
14. Safe State Program	165,000		165,000
15. Auxiliary Enterprises		<u>21,820,871</u>	<u>21,820,871</u>

SOURCE OF FUNDS:

(1) ASETF	42,655,000		
(2) Other Funds		<u>59,264,637</u>	
Total University of Alabama	<u>42,655,000</u>	<u>59,264,637</u>	<u>101,919,637</u>

B. University of Alabama in Birmingham

1. University College	14,808,530	13,917,748	28,726,278
2. School of Public and Allied Health	2,430,087	2,200,233	4,630,320
3. Regional Technical Institute ..	2,059,141	448,591	2,507,732
4. Joint Health Sciences	2,898,760	1,602,112	4,500,872

5. Student Nurses Loans	11,400		11,400
6. Nursing Scholarships	83,900		83,900
7. School of Nursing	3,437,581	2,670,186	6,107,767
8. Center for Labor Education and Research	270,936		270,936
9. Urban Research and Public Service	312,174		312,174
10. School of Medicine	16,124,859	51,587,998	67,712,857
11. School of Optometry	2,145,838	2,050,703	4,196,541
12. School of Dentistry	7,293,432	10,445,768	17,739,200
13. System Medical Education Program	502,968		502,968
14. Family and Other Primary Care Residency Program	1,616,207		1,616,207
The above appropriation shall be expended for residency programs as follows:			
Anniston	254,461		
East End	254,461		
Jefferson County	254,461		
Montgomery	254,462		
Selma	353,900		
Gadsden	254,462		
15. Montgomery Internal Medicine	245,240		245,240
16. University Hospital	5,955,206	117,426,684	123,381,890
17. School of Engineering and Business	190,000		190,000
18. Public Health School	190,000		190,000
19. Department of Pediatrics	317,321		317,321
20. Health-Related Research and Public Service	2,885,058		2,885,058
21. Emergency Medical Training	164,722		164,722
22. Hypertension Research	399,570		399,570
23. Multipurpose Arthritis Center	399,570		399,570
24. Medical Genetics Program ..	190,000		190,000
25. Special Mental Health		3,222,284	3,222,284
26. Center for Developmental and Learning Disorders		544,707	544,707
27. Auxiliary Enterprises		7,497,883	7,497,883

SOURCE OF FUNDS:

(1) ASETF

64,932,500

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(2) Special Mental Health Fund .		3,766,991		
(3) Other Funds		<u>209,847,906</u>		
Total University of Alabama in Birmingham	<u>64,932,500</u>	<u>213,614,897</u>	<u>278,547,397</u>	
C. University of Alabama in Huntsville				
1. Operations and Maintenance .	6,384,639	6,835,058	13,219,697	
2. School of Nursing Scholarships	18,000		18,000	
3. Center for Management and Economic Research	47,500		47,500	
4. School of Primary Medical Care	2,753,481	433,955	3,197,436	
5. Community Medicine Rural Preceptorship Program	28,500		28,500	
6. Johnson Environmental and Energy Center	273,164	1,632,460	1,905,624	
7. Ambulatory Care Center	647,684	810,449	1,458,133	
8. School of Nursing	849,535	298,282	1,147,817	
9. Paramedic Training	125,315		125,315	
10. Alabama Solar Energy Center	272,182		272,182	
11. Auxiliary Enterprises		<u>1,541,125</u>	<u>1,541,125</u>	
SOURCE OF FUNDS:				
(1) ASETF	11,400,000			
(2) Other Funds		<u>11,561,329</u>		
Total University of Alabama in Huntsville	<u>11,400,000</u>	<u>11,561,329</u>	<u>22,961,329</u>	
II. Board of Trustees of Alabama A & M University				
A. Alabama A & M University				
1. Operations and Maintenance .	8,965,852	10,354,005	19,319,857	
2. Vocational Teacher Training .	249,148		249,148	
3. Auxiliary Enterprises		<u>3,143,590</u>	<u>3,143,590</u>	
SOURCE OF FUNDS:				
(1) ASETF	9,215,000			
(2) Other Funds		<u>13,497,595</u>		
Total Alabama A & M University	<u>9,215,000</u>	<u>13,497,595</u>	<u>22,712,595</u>	
III. Board of Trustees of Alabama State University				
A. Alabama State University				
1. Operations and Maintenance .	7,932,500	4,713,720	12,646,220	
2. Auxiliary Enterprises		<u>4,033,209</u>	<u>4,033,209</u>	

SOURCE OF FUNDS:

(1) ASETF	7,932,500		
(2) Other Funds		<u>8,746,929</u>	
Total Alabama State University .	<u>7,932,500</u>	<u>8,746,929</u>	<u>16,679,429</u>

IV. State Board of Education

A. Athens State College

1. Operations and Maintenance .	1,539,000	1,023,268	2,562,268
2. Auxiliary Enterprises		<u>246,768</u>	<u>246,768</u>

SOURCE OF FUNDS:

(1) ASETF	1,539,000		
(2) Other Funds		<u>1,270,036</u>	
Total Athens State College	<u>1,539,000</u>	<u>1,270,036</u>	<u>2,809,036</u>

V. Board of Trustees of Auburn University

A. Auburn University

1. Operations and Maintenance .	37,937,484	30,986,312	68,923,796
2. School of Nursing	403,750		403,750
3. Educational Television	357,876		357,876
4. Center for Vocational and Adult Education	508,250		508,250
5. Clinical Psychology	111,815		111,815
6. Engineering Experiment Station	821,251		821,251
7. Public Service, Research and Extension	366,814		366,814
8. Energy Research	262,010		262,010
9. Food Animal Health & Disease Research	190,000		190,000
10. Auxiliary Enterprises		22,392,348	22,392,348

SOURCE OF FUNDS:

(1) ASETF	40,959,250		
(2) Other		<u>53,378,660</u>	
Total Auburn University	<u>40,959,250</u>	<u>53,378,660</u>	<u>94,337,910</u>

B. Agricultural Experiment Station

1. Operations and Maintenance .	7,885,000	9,403,617	17,288,617
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SOURCE OF FUNDS:

(1) ASETF	7,885,000		
(2) Other		<u>9,403,617</u>	

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Total Agricultural Experiment Station	7,885,000	9,403,617	17,288,617
C. Cooperative Extension Service			
1. Operations and Maintenance .	9,744,150	9,516,553	19,260,703
SOURCE OF FUNDS:			
(1) ASETF	9,744,150		
(2) Other		<u>9,516,553</u>	
Total Cooperative Extension Service	9,744,150	9,516,553	19,260,703
D. Auburn University at Montgomery			
1. Operations and Maintenance .	5,901,335	4,538,222	10,439,557
2. Montgomery Area Community Health Sciences Institute	49,465		49,465
3. Public Service, Research and Extension (Center for Government and Public Affairs)	155,325	31,560	186,885
4. School of Nursing	258,875	2,922	261,797
5. Auxiliary Enterprises		1,271,754	1,271,754
SOURCE OF FUNDS:			
(1) ASETF	6,365,000		
(2) Other		<u>5,844,458</u>	
Total Auburn University at Montgomery	<u>6,365,000</u>	<u>5,844,458</u>	<u>12,209,458</u>
VI. Board of Trustees of Jacksonville State University			
A. Jacksonville State University			
1. Operations and Maintenance .	11,206,250	4,590,172	15,796,422
2. Gadsden Program	460,750	129,158	589,908
3. Nursing Scholarships	18,000		18,000
4. United Cerebral Palsy Development Center for East Central Alabama	95,000		95,000
5. Vocational Teacher Training .	95,000		95,000
6. Auxiliary Enterprises		1,611,942	1,611,942
SOURCE OF FUNDS:			
(1) ASETF	11,875,000		
(2) Other		<u>6,331,272</u>	
Total Jacksonville State University	11,875,000	6,331,272	18,206,272
VII. Board of Trustees of Livingston State University			

A. Livingston State University

1. Operation and Maintenance ..	3,687,000	1,113,014	4,800,014
2. Nursing Scholarships	18,000		18,000
3. Auxiliary Enterprises		1,749,676	1,749,676

SOURCE OF FUNDS:

(1) ASETF	3,705,000		
(2) Other		2,862,690	
Total Livingston State University	<u>3,705,000</u>	<u>2,862,690</u>	<u>6,567,690</u>

VIII. Board of Trustees of University of Montevallo

A. University of Montevallo

1. Operations and Maintenance ..	5,821,728	3,240,820	9,062,548
2. School for Aphasic Children ..	206,172	17,207	223,379
3. Highway Safety Program	128,759		128,759
4. Communication Center	18,341	68,827	87,168
5. Auxiliary Enterprises		2,606,540	2,606,540

SOURCE OF FUNDS:

(1) ASETF	6,175,000		
(2) Other Funds		5,933,394	
Total University of Montevallo ..	<u>6,175,000</u>	<u>5,933,394</u>	<u>12,108,394</u>

IX. Board of Trustees of University of North Alabama

A. University of North Alabama

1. Operations and Maintenance ..	7,534,500	5,258,248	12,792,748
2. Nursing School Scholarships ..	18,000		18,000
3. Auxiliary Enterprises		1,478,777	1,478,777

SOURCE OF FUNDS:

(1) ASETF	7,552,500		
(2) Other		6,737,025	
Total University of North Alabama	<u>7,552,500</u>	<u>6,737,025</u>	<u>14,289,525</u>

X. Board of Trustees of South Alabama

A. University of South Alabama

1. Operations and Maintenance ..	11,685,848	10,130,432	21,816,280
2. Medical Research and Public Service	264,445		264,445

(Includes Statewide Medical Education, Ambulatory Care, Human and Clinical Nutrition Program and Reproductive Health Sciences Center.)

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3. Family Practice Residency Program	476,972		476,972
4. College of Medicine	8,639,377	8,661,314	17,300,691
5. Medical Center Hospital	1,065,062	35,087,760	36,152,822
6. Newborn Growth and Development Program	75,209		75,209
7. Division of Allied Health	716,915	123,902	840,817
8. School of Nursing	660,144	241,903	902,047
9. Nursing Scholarships	16,983	5,900	22,883
10. Research, Public Service and Extension	86,368	41,301	127,669
11. Paramedic Training Program	131,010	70,801	201,811
12. Basic Medical Sciences	257,168		257,168
13. Birth Defect Genetic Center .	185,599		185,599
14. Auxiliary Enterprises		4,637,461	4,637,461

SOURCE OF FUNDS:

(1) ASETF	24,261,100		
(2) Other		59,000,774	
Total University of South Alabama	<u>24,261,100</u>	<u>59,000,774</u>	<u>83,261,874</u>

XI. Board of Trustees of Troy State University

1. Operations and Maintenance at Troy	6,883,800	4,702,289	11,586,089
2. Operations and Maintenance at Ft. Rucker/Dothan	926,250	1,266,724	2,192,974
3. Operations and Maintenance in Montgomery	237,500	1,625,065	1,862,565
4. Nursing Scholarships	36,000		36,000
5. Operations and Maintenance at Bay Minette	53,200	543,777	596,977
6. School of Nursing-Montgomery	237,500	20,047	257,547
7. Branch Campus at Phenix City	80,750	428,506	509,256
8. Auxiliary Enterprises		3,943,007	3,943,007

SOURCE OF FUNDS:

(1) ASETF	8,455,000		
(2) Other		12,529,415	
Total Troy State University	<u>8,455,000</u>	<u>12,529,415</u>	<u>20,984,415</u>

XII. Board of Trustees for Alabama Institute for Deaf and Blind

A. Alabama Institute for Deaf and Blind

1. Operations and Maintenance .	5,200,000	2,267,127	7,467,127
B. Department of Adult Blind and Deaf			
1. Special Technical Facility	1,485,840	2,340,572	3,826,412
2. Industries for the Blind	487,000	7,432,278	7,919,278
SOURCE OF FUNDS:			
(1) ASETF	7,172,840		
(2) Other		<u>12,039,977</u>	
Total Alabama Institute for Deaf & Blind	<u>7,172,840</u>	<u>12,039,977</u>	<u>19,212,817</u>

Section 6.

A. Governor's Education Program 2,000,000

To State Department of Education-Board of Education with Governor's approval. For Basic Learning Skills Teams, Leadership and Management Programs, Standard Schools Program and Liability Insurance.

SOURCE OF FUNDS:

(1) ASETF	<u>2,000,000</u>		
Total Governor's Education Program	<u>2,000,000</u>		<u>2,000,000</u>

Section 7.**A. SPECIAL MENTAL HEALTH FUND:**

(1) There is hereby appropriated from the Special Mental Health Trust Fund to the Board of Trustees of University of Alabama \$3,222,284 to be expended under the programmatic area as shown under subsection 5-1-B on page 29.

(2) There is hereby appropriated from the Special Mental Health Trust Fund \$544,707 to be expended under the programmatic area as shown under subsection 5-1-B on page 29.

B. PUBLIC SCHOOL FUND:

For the Public School Fund all funds derived from the levy of the special annual tax of thirty cents on each one hundred dollars (\$100) of taxable property in this State for the support and maintenance of the public schools and from other funds mentioned and enumerated in Section 257, 258, and 259 of the Constitution in 1901 and the amount appropriated from all other funds as is now provided by law, provided, however, not more than four percent of all funds appropriated in this Section shall be used or expended otherwise than for the payment of teachers employed in such schools. There is hereby appropriated twenty-six million dollars (\$26,000,000) from the Public School Fund to the Minimum Program to be expended under the Financial Assistance Program as shown in subsection 3-20-A on page 17. If the Public School

Fund receives more revenue than appropriated for the fiscal year ending September 30, 1982, the excess in revenue shall be carried over as a beginning balance for the fiscal year beginning October 1, 1982.

Section 8. The State Superintendent of Education shall make requisition on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds appropriated to the State Department of Education and/or the State Board of Education in this Act, whereupon the Comptroller, shall issue his warrant therefor. All other appropriations in this Act shall be paid by request to the Comptroller made in the manner now provided by law.

Section 9. That nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation.

Section 10. The provisions of this Act are severable. If any portion, paragraph, sentence, clause, provision, or portion of this Act, or all or any portion of any appropriation or appropriations herein made, be held unconstitutional or invalid, which holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act, or any other appropriation or portion thereof made not in and of itself unconstitutional or invalid.

Section 11. This act shall become effective on October 1, 1981.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 72; Nays 5.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Bedsole, Bennett, Biddle, Boles, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Escott, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—72

Nays: Reps.: Brakefield, Clark (W), Coburn, Naramore and Wyatt. —5

AMENDMENT OFFERED

Rep. Adams (H) offered the following amendment to the bill, H. 631 as amended:

Amend the Substitute to the Substitute to the Substitute to H. B. 631 by inserting on page 37 on line 35 the following section and re-numbering all following sections accordingly:

"Section 9. The State Budget Officer is directed to reduce the Alabama Special Educational Trust Fund appropriations made in this bill to the four year institutions, Athens State College, the Junior College System and the Postsecondary Vocational-Technical Education System by a total of \$6,000,000. This reduction shall be made on a prorata basis from the appropriation to each institution, college and system. Within the appropriation to each institution, college and system, the appropriation for each program and line item shall also be reduced on a prorata basis."

Further amend H. B. 631 as substituted by deleting on page 18 line 34 the following:

"\$5,000,000"

and inserting in lieu thereof the following:

"\$11,000,000"

and adjust the total appropriation to the Board of Education, Financial Assistance Program, accordingly.

AMENDMENT TABLED

On motion of Rep. Owens, the amendment offered by Rep. Adams (H) to the bill, H. 631 as amended, was tabled.

Yeas 54; Nays 18.

Yeas:

Mr. Speaker, Albright, Amari, Barton, Bennett, Biddle, Boles, Buskey, Campbell, Carter, Cates, Clark (G), Cobb, Cooley, Daniels, Dial, Dixon, Ford, Gafford, Gilmer, Hall, Harper (O), Horn, Johnson (R. G.), Johnson (Roy), Laird, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens, Patton, Payne, Pegues, Ray, Sasser, Seibels, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams and Zoghby.

—54

Nays:

Reps.: Adams (C), Adams (H), Blake, Brakefield, Coburn, Crow, Drinkard, Harper (T), Harvey, Holley, Howard, Kelley, Langford, Naramore, Penry, Riddick, Smith (J) and Willis.

—18

AMENDMENT OFFERED

Rep. Holley offered the following amendment No. 1 to the bill, H. 631 as amended:

Reduce each appropriation from the Alabama Special Educational Trust Fund by an equal percentage such that the total appropriation is reduced \$20,684,117. Excepted from such reduction shall be the appropriations for Debt Service, Board of Dental Scholarship Awards, State Employees Insurance, State Employees Retirement, Board of Medical Scholarships Awards,

Minimum Program and Public School Fund, Board of Education, Alabama Board of Nursing, Social Security, Teachers' Retirement System of Alabama, Unemployment Compensation, and Veterans Education Benefits.

Under Section 3-A-21(a), strike "248,581,154" and insert in lieu thereof "233,471,899" in all places; following "SOURCE OF FUNDS" delete subsection (a) in its entirety; remove "(b)" and insert in lieu thereof "(a)" and re-letter subsequent paragraphs until "(n)" becomes "(m)".

Under Section 3-A-26, following subsection (a), insert the following:

"(b) To the Teachers' Retirement System Board, or at its discretion, to the State Board of Education, for providing Hospital/Medical benefits for all Educational Professional Staff, Support Staff, and Adult School Bus Drivers except those persons employed at four year universities.

35,793,372

Also under Section 3-A-26, following subsection (2) of source of funds, insert the following:

"(3) ASETF-Teachers'
Hospital/Medical Insurance 35,793,372"

On the line with "Total Retirement Systems Program (State's Share)," strike "136,253,232" in both places and insert in lieu thereof "172,046,604".

AMENDMENT TABLED

On motion of Rep. Owens, the amendment No. 1 offered by Rep. Holley to the bill, H. 631 as amended, was tabled.

Yeas 45; Nays 44.

Yeas:

Mr. Speaker, Adams (H), Bedsole, Biddle, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cosby, Dial, Dixon, Edwards, Gafford, Gilmer, Grouby, Harper (T), Kelley, McKee, McMillan, Manley, Mitchell, Moore, Olive, Owens, Parker, Payne, Pegues, Ray, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Stewart, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams and Zoghby.

—45

Nays:

Reps.: Adams (C), Albright, Amari, Barton, Bennett, Blake, Bowling, Brakefield, Buskey, Cheatwood, Clark (W), Cobb, Cooley, Crow, Daniels, Drinkard, Goodwin, Greer, Grimsley, Hammett, Harper (O), Harvey, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Laird, Langford, Lewis, Minus, Naramore, Patton, Penry, Rains, Reed, Roberts, Shavers, Smith (C), Stout, Trammell, Turner and Wyatt.

—44

AMENDMENT OFFERED

Rep. Zoghby offered the following amendment to the bill, H. 631 as amended:

Amend House Bill 631 as substituted, Section 3A by inserting on page 12, line 37, a new subsection 13 and renumbering the subsequent subsections.

The new subsection 13 is to read as follows:

13 STUDY COMMISSION, ALA-
BAMA EDUCATION

(a) Advisory Services Program ..	\$100,000
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SOURCE OF FUNDS:

(1) ASETF	\$100,000
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Total Alabama Education

Study Commission	\$100,000	\$100,000
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(to be expended in accordance with
Act No. 15, 1969 Special Session)

Also amend House Bill 631 as substituted on page 6, line 31 by deleting the figures \$2,340,000 and inserting in lieu thereof the figures \$2,240,000 and adjusting the totals accordingly.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 50; Nays 31.

Yeas:

Reps. Adams (C), Albright, Barton, Bedsole, Boles, Buskey, Carter, Cheatwood, Clark (W), Coburn, Crow, Daniels, Dixon, Drinkard, Escott, Goodwin, Hall, Harper (T), Harrison, Holley, Holmes, Horn, Howard, Jackson, Kennedy, Laird, Langford, Letson, McMillan, Minus, Mitchell, Naramore, Nevett, Olive, Parker, Payne, Penry, Rains, Riddick, Roberts, Sandusky, Smith (C), Smith (J), Smith (M), Trammell, Tucker, Turner, Willis, Wyatt and Zoghby.

—50

Nays:

Reps. Adams (H), Bennett, Blake, Bowling, Brakefield, Cabaniss, Carothers, Clark (G), Cobb, Cooley, Cosby, Dial, Edwards, Gilmer, Grimsley, Harper (O), Harvey, Johnson (R. G.), Johnson (Roy), Kelley, Lewis, McKee, Manley, Owens, Pegues, Sasser, Shoemaker, Stewart, Waggoner, Warren and Williams.

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AMENDMENT OFFERED

Rep. Cates offered the following amendment to the bill, H. 631 as amended:

Amend Substitute to Substitute for H. B. 631 on page 25, Section 26, line 23 by striking after the word "system" the following language: all language through line 26.

And inserting in lieu thereof, the following: to be released by the Governor conditioned upon the availability of funds and the verification of need.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 91; Nays 0.

Yeas:

Mr. Speaker, Adams (C, Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harrison, Harvey, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams and Wyatt.

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AMENDMENT OFFERED

Rep. Holley offered the following amendment No. 2 to the bill, H. 631, as amended:

Reduce each appropriation from the Alabama Special Educational Trust Fund by an equal percentage such that the total appropriation is reduced \$20,684,117. Excepted from such reduction shall be the appropriations for Debt Service, Board of Dental Scholarship Awards, State Employees Insurance, State Employees Retirement, Board of Medical Scholarships Awards, Minimum Program and Public School Fund, Board of Education, Alabama Board of Nursing, Social Security, Teachers' Retirement System of Alabama, Unemployment Compensation, and Veterans Education Benefits. Each amount reduced shall remain in the budget as an appropriation for the same purpose to be conditional on the availability of funds and the approval of the Governor.

Under Section 3-A-21(a), strike "248, 581,154" and insert in lieu thereof "233,471,899" in all places; following "SOURCE OF FUNDS" delete subsection (a) in its entirety; remove "(b)" and insert in lieu thereof "(a)" and re-letter subsequent paragraphs until "(n)" becomes "(m)".

Under Section 3-A-26, following subsection (a), insert the following:

"(b) To the Teachers' Retirement System Board, or at its discretion, to the State Board of Education, for providing Hospital/Medical benefits for all Educational Professional Staff, Support Staff, and Adult School Bus Drivers except those persons employed at four year universities. 35,793,372

Also under Section 3-A-26, following subsection (2) of SOURCE OF FUNDS:, insert the following:

"(3) ASETF-Teachers'
Hospital/Medical
Insurance35,793,372"

On the line with "Total Retirement Systems Program (State's Share)," strike "136,253,232" in both places and insert in lieu thereof "172,046,604".

AMENDMENT TABLED

On motion of Rep. Owens, the amendment No. 2 offered by Rep. Holley to the bill, H. 631 as amended, was tabled.

Yeas 52; Nays 50.

Yeas:

Mr. Speaker, Adams (H), Bedsole, Biddle, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cosby, Dial, Dixon, Edwards, Ford, Gafford, Gilmer, Gregg, Grouby, Harper (T), Howard, Jackson, Kelley, McKee, McMillan, Manley, Mitchell, Moore, Olive, Owens, Parker, Payne, Pegues, Ray, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—52

Nays:

Reps. Adams (C), Albright, Amari, Barton, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cheatwood, Clark (W), Cobb, Cooley, Crow, Daniels, Drinkard, Escott, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Harrison, Harvey, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Lewis, Minus, Naramore, Nevett, Penry, Rains, Reed, Riddick, Roberts, Shavers, Smith (C), Stout, Trammell, Turner and Wyatt.

—50

AMENDMENT OFFERED

Rep. Daniels offered the following amendment to the bill, H. 631 as amended:

Amendment to substitute to substitute for House Bill No. 631, Section 3, A, 20(a) on page 16 by changing the numbers on line 28 to \$467,496,392; line 30 to \$436,819,907; and on line 34 to \$436,819,907 and \$467,496,392.

Further amend on page 17 lines 29 and 30 by changing the numbers to \$2,630.00 and \$62,622,930 and on line 38 by changing the number to \$243,612,920. Also on page 18, lines 5 and 6 to \$243,612,920.

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Further amend on page 18, line 29 by changing the number to 18,852,234; also on line 35 by changing \$2,118.86 to \$2,630.00 and on line 36 by changing \$2,288,369 to \$2,840,400.

Further amend on page 20, line 4 by changing to \$5,820,529, and on line 16 by changing \$2,118.86 to \$2,630.00 and on line 17 by changing \$686,511 to \$852,120.

Further amend on page 20, line 20 by changing \$29,725,460 and on line 36 by changing \$2,118.86 to \$2,630.00 and changing \$3,608,419 to \$4,478,890.

Further amend on page 21, line 8 by changing the number to \$11,346,530 and on line 20 by changing \$2,118.86 to \$2,630.00 and by changing \$1,377,259 to \$1,709,500.

Further amend on page 21 line 24 by changing to \$57,525,530 and line 36 by changing \$2,118.86 to \$2,630.00 and on line 37 by changing \$6,886,295 to \$8,547,500.

AMENDMENT TABLED

On motion of Rep. Owens, the amendment offered by Rep. Daniels to the bill, H. 631 as amended, was tabled.

Yeas 56; Nays 42

Yeas:

Mr. Speaker, Barton, Bedsole, Biddle, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Coburn, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Grouby, Hammett, Harper (T), Jackson, Johnson (R. G.), Kelley, McKee, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens, Parker, Payne, Pegues, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Stewart, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—56

Nays:

Reps. Adams (C), Adams (H), Albright, Amari, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cheatwood, Clark (W), Cooley, Cosby, Crow, Daniels, Dixon, Escott, Grimsley, Hall, Harper (O), Harrison, Harvey, Holley, Holmes, Horn, Howard, Johnson (Roy), Laird, Langford, Lewis, Naramore, Nevett, Penry, Rains, Smith (M), Starkey, Stout, Trammell, Tucker, Turnham and Wyatt.

—42

AMENDMENT OFFERED

Rep. Adams (H), offered the following amendment No. 2 to the bill, H. 631 as amended:

Amend the Substitute to the Substitute to the Substitute to H. B. 631 by inserting on page 37 on line 35 the following section and re-numbering all following sections accordingly:

“Section 9. The State Budget Officer is directed to reduce the Alabama Special Educational Trust Fund appropriations made in this bill to the four

year institutions, Athens State College, the Junior College System and the Postsecondary Vocational-Technical Education System by a total of \$5,000,000. This reduction shall be made on a prorata basis from the appropriation to each institution, college and system. Within the appropriation to each institution, college and system, the appropriation for each program and line item shall also be reduced on a prorata basis."

Further amend H. B. 631 as substituted by deleting on page 18 line 34 the following:

"\$5,000,000"

and inserting in lieu thereof the following:

"\$10,000,000"

and adjust the total appropriation to the Board of Education, Financial Assistance Program, accordingly.

AMENDMENT TABLED

On motion of Rep. Owens, the amendment No. 2 offered by Rep. Adams (H) to the bill, H. 631 as amended, was tabled.

Yeas 56; Nays 26.

Yeas:

Mr. Speaker, Amari, Barton, Bedsole, Bennett, Biddle, Cabaniss, Campbell, Carothers, Cates, Clark (G), Cobb, Cooley, Cosby, Dial, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hammett, Harrison, Harvey, Johnson (R. G.), Johnson (Roy), McKee, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens, Patton, Payne, Pegues, Ray, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams and Zoghby.

—56

Nays:

Reps. Adams (C), Adams (H), Blake, Bowling, Brakefield, Carter, Coburn, Crow, Daniels, Dixon, Drinkard, Edwards, Harper (T), Holley, Horn, Howard, Kelley, Lewis, Naramore, Penry, Rains, Riddick, Roberts, Smith (J), Stout and Willis.

—26

AMENDMENT OFFERED

Rep. Mitchell offered the following amendment to the bill, H. 631 as amended:

Amend House Bill 631 as last substituted, page 5, line 15 by striking 200,000 and inserting in lieu thereof 228,559 and adjusting the totals accordingly.

Further amend the bill, Page 11, line 30 by striking 128,559 and inserting in lieu thereof 100,000

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 35; Nays 25.

Yeas:

Reps. Amari, Barton, Biddle, Blake, Brakefield, Campbell, Carothers, Carter, Cheatwood, Clark (G), Cobb, Dial, Greer, Gregg, Harvey, Horn, Johnson (R. G.), Johnson (Roy), Lewis, Manley, Minus, Mitchell, Moore, Nevett, Owens, Patton, Rains, Sasser, Shavers, Shoemaker, Stout, Turnham, Whatley, Williams and Zoghby.

—35

Nays:

Reps. Adams (H), Albright, Bedsole, Bowling, Clark (W), Coburn, Crow, Dixon, Drinkard, Ford, Gilmer, Goodwin, Hall, Harper (T), Harrison, McKee, McMillan, Naramore, Parker, Penry, Riddick, Smith (C), Stewart, Turner and Warren.

—25

AMENDMENT OFFERED

Rep. Wyatt offered the following amendment No. 1 to the bill, H. 631 as amended:

Amend House Bill 631, Page 20, line 4, by striking out \$5,654,920 and inserting in lieu thereof the figure \$8,726,729

Further amend on line 5 the number 324 and insert in lieu thereof the number 500

Further amend on line 7 by striking the number \$4,947,391 and inserting the number

7,646,281

Further amend on line 17 by striking \$686,511 and inserting in lieu thereof the number \$1,059,430

AMENDMENT TABLED

On motion of Rep. Owens, the amendment No. 1 offered by Rep. Wyatt to the bill, H. 631 as amended, was tabled.

Yeas 47; Nays 40

Yeas:

Mr. Speaker, Amari, Barton, Bedsole, Bennett, Biddle, Cabaniss, Campbell, Carothers, Cates, Clark (G), Cosby, Dixon, Ford, Gafford, Gilmer, Gregg, Grimsley, Grouby, Hammett, Harrison, Johnson (R. G.), Kelley, McKee, Manley, Minus, Moore, Olive, Owens, Parker, Pegues, Ray, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Starkey, Stewart, Turner, Turnham, Venable, Waggoner, Ward, Warren, Williams and Zoghby.

—47

Nays:

Reps. Albright, Blake, Boles, Bowling, Brakefield, Buskey, Carter, Cheatwood, Clark (W), Coburn, Cooley, Crow, Daniels, Drinkard, Edwards, Escott, Greer, Hall, Harvey, Holley, Holmes, Horn, Johnson (Roy), Kennedy, Laird, Langford, Lewis, McMillan, Naramore, Nevett, Payne, Penry, Smith (C), Smith (J), Smith (M), Stout, Trammell, Tucker, Willis and Wyatt.

—40

AMENDMENT OFFERED

Rep. Holmes offered the following amendment No. 1 to the bill, H. 631 as amended:

I move to amend House Bill No. 631 Page 36 Line 28, 36 and 37, by striking out "2,000,000" and inserting in lieu thereof "1,875,000".

Further amend H. B. 631 on page 36 line 38 by adding the following sub-section "B. Trenholm State Technical College

1. For Emergency Medical Services Program125,000

AMENDMENT LOST

And the amendment was lost.

Yeas 20; Nays 48.

Yeas:

Reps. Buskey, Carothers, Cates, Clark (W), Coburn, Greer, Harrison, Holley, Holmes, Horn, Howard, Johnson (Roy), Kennedy, Langford, Naramore, Nevett, Tucker, Turner, Williams and Wyatt.

—20

Nays:

Mr. Speaker, Albright, Amari, Barton, Bedsole, Blake, Brakefield, Cabaniss, Campbell, Carter, Clark (G), Cobb, Cooley, Cosby, Dial, Dixon, Drinkard, Gafford, Gilmer, Grouby, Hall, Hammett, Harvey, Johnson (R. G.), Lewis, McMillan, Manley, Minus, Olive, Owens, Parker, Patton, Payne, Pegues, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Starkey, Stewart, Venable, Waggoner, Willis and Zoghby.

—48

AMENDMENT OFFERED

Rep. Penry offered the following amendment to the bill, H. 631 as amended:

On page 25, on line 7, strike the words: (Includes payment to MICA)

AMENDMENT ADOPTED

And the amendment was adopted.

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Further amend the bill on page 3, line 23, by striking out the figure "1,248,750" and inserting in lieu thereof the following:

"1,223,750.

Further amend the bill on page 17, line 38, by striking out the figure "235,913,178" and inserting in lieu thereof the following:

"235,938,178".

Further amend the bill on page 18, lines 5 and 6 by striking out the figures "235,913,178" wherever they appear and insert in lieu thereof the following:

"235,938,178".

Further amend the bill on page 22, line 12 by striking out the figure "6,129,600 and inserting in lieu thereof the following:

"6,154,600".

AMENDMENT TABLED

On motion of Rep. Jackson, the amendment offered by Rep. Harper (T) to the bill, H. 631 as amended, was tabled.

Yeas 51; Nays 9.

Yeas:

Reps. Adams (C), Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Cheatwood, Clark (G), Clark (W), Cooley, Crow, Drinkard, Edwards, Escott, Greer, Harper (O), Harrison, Holley, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Payne, Pegues, Rains, Reed, Riddick, Sandusky, Sasser, Shoemaker, Smith (C), Tucker, Turner, Turnham, Waggoner, Willis and Wyatt.

—51

Nays:

Reps. Bedsole, Cosby, Gilmer, Harper (T), McMillan, Parker, Penry, Trammell and Zoghby.

—9

AMENDMENT OFFERED

Rep. Whatley offered the following amendment No. 1 to the bill, H. 631 as amended:

On page 32, delete lines 11 through 24 in their entirety and insert in lieu thereof the following and adjust all totals accordingly:

Agricultural Experiment Station

1. Operations and Maintenance . 8,300,000 9,220,328 17,520,328

SOURCE OF FUNDS:

(1) ASETF 8,300,000

(2) Other		9,220,328	
Total Agricultural Experiment Station	8,300,000	9,220,328	17,520,328
Cooperative Extension Service			
1. Operations and Maintenance .	10,257,000	9,611,536	19,868,536
SOURCE OF FUNDS:			
(1) ASETF	10,257,000		
(2) Other		9,611,536	
Total Cooperative Extension Service	10,257,000	9,611,536	19,868,536

MOTION TO TABLE LOST

The motion offered by Rep. Owens to table the amendment No. 1 offered by Rep. Whatley to the bill, H. 631 as amended, was lost.

Yeas 41; Nays 42.

Yeas:

Mr. Speaker, Amari, Bedsole, Biddle, Blake, Brakefield, Cabaniss, Carter, Clark (G), Cobb, Dial, Drinkard, Ford, Gafford, Goodwin, Gregg, Grouby, Harrison, Johnson (R. G.), Johnson (Roy), McKee, Manley, Mitchell, Moore, Olive, Owens, Parker, Payne, Pegues, Ray, Riddick, Roberts, Sasser, Shoemaker, Starkey, Stewart, Venable, Waggoner, Williams, Willis and Zoghby.

—41

Nays:

Reps. Adams (C), Adams (H), Albright, Bowling, Buskey, Carothers, Cates, Cheatwood, Clark (W), Cooley, Crow, Daniels, Dixon, Edwards, Gilmer, Greer, Grimsley, Hall, Hammett, Holley, Holmes, Horn, Kennedy, Laird, Langford, Letson, Minus, Naramore, Nevett, Penry, Rains, Reed, Smith (C), Smith (J), Trammell, Tucker, Turner, Turnham, Ward, Warren, Whatley and Wyatt.

—42

AMENDMENT LOST

The question was then on the adoption of the amendment No. 1 offered by Rep. Whatley to the bill, H. 631 as amended, and the amendment was lost.

Yeas 47; Nays 50.

Yeas:

Reps. Adams (H), Boles, Bowling, Buskey, Carothers, Cates, Cheatwood, Clark (W), Cooley, Crow, Daniels, Drinkard, Edwards, Escott, Gilmer, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Howard, Kennedy, Langford, Letson, McMillan, Minus, Naramore, Nevett, Patton, Pegues, Penry, Rains, Reed, Roberts, Smith (C), Trammell, Tucker, Turner, Turnham, Ward, Warren, Whatley and Wyatt.

—47

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Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Clark (G), Clark (W), Cobb, Coburn, Colley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Tucker, Turner, Venable, Warren, Williams and Zoghby.

—84

AMENDMENT OFFERED

Rep. Smith (M) offered the following amendment No. 1 to the bill, H. 631 as amended:

Amend the Substitute to the Substitute to the Substitute For House Bill 631, on page 30, line 11, after the word "care" by striking 2,753,481 and adding in lieu thereof 2,953,481 and by striking 3,197,436 and inserting in lieu thereof 3,397,436.

On line 16, after the word "Center" by striking 647,684 and inserting in lieu thereof 860,684 and by striking 1,458,133 and inserting in lieu thereof 1,671,133.

On line 25 after the word "Huntsville" by striking 11,400,000 and inserting in lieu thereof 11,813,000 and by striking 22,961,329 and inserting in lieu thereof 23,374,329.

AMENDMENT TABLED

On motion of Rep. Owens, the amendment No. 1 offered by Rep. Smith (M) to the bill, H. 631 as amended, was tabled.

Yeas 55; Nays 25.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Blake, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Cosby, Dixon, Drinkard, Ford, Gilmer, Goodwin, Grouby, Hammett, Harper (O), Harper (T), Harrison, Harvey, Johnson (R. G.), Laird, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Sandusky, Sasser, Seibels, Shoemaker, Stewart, Turner, Turnham, Venable, Warren, Whatley, Williams, and Zoghby.

—55

Nays:

Reps. Albright, Bowling, Cheatwood, Coburn, Cooley, Crow, Escott, Greer, Gregg, Hall, Holmes, Horn, Howard, Langford, Nevett, Riddick, Roberts, Smith (C), Smith (J), Smith (M), Starkey, Stout, Trammell, Willis and Wyatt.

—25

AMENDMENT OFFERED

Rep. Dixon offered the following amendment to the bill, H. 631 as amended:

Amend House Bill No. 631 as substituted Page 26 Line 37, by inserting the following:

"32 Physical Fitness Commission on
(a) Advisory Services Program. . . 100,000
The appropriation to the Commis-
sion shall include a transfer to
the State Personnel Department
of\$240.

SOURCE OF FUNDS:

(1) ASETF	\$100,000	
Total	100,000	100,000

Further amend H. B. 631 by deleting on page 13 lines 14, 16, and 19 the following:

"1,200,000"
and inserting in lieu thereof the following:

"1,100,000".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 47; Nays 25.

Yeas:

Reps. Adams (C), Adams (H), Barton, Bennett, Biddle, Boles, Bowling, Brakefield, Buskey, Cheatwood, Clark (W), Crow, Daniels, Dixon, Drinkard, Escott, Ford, Gafford, Hammett, Harper (T), Holley, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Langford, McKee, McMillan, Minus, Moore, Naramore, Nevett, Patton, Payne, Penry, Ray, Riddick, Shavers, Smith (C), Smith (M), Starkey, Trammell, Tucker, Warren, Willis, Wyatt and Zoghby.

—47

Nays:

Reps. Blake, Cabaniss, Carter, Cates, Clark (G), Cobb, Cooley, Cosby, Grouby, Harrison, Harvey, Kennedy, Manley, Mitchell, Olive, Owens, Pegues, Rains, Roberts, Sasser, Stewart, Stout, Turner, Venable and Williams.

—25

AMENDMENT OFFERED

Rep. Harper (T) offered the following amendment to the bill, H. 631 as amended:

Amend the substitute to the substitute to the substitute for H. B. 631 on page 3, Section 3 A 2, by striking lines 17 and 18 in their entirety.

Nays:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Biddle, Blake, Cabaniss, Campbell, Carter, Clark (G), Cobb, Coburn, Dial, Dixon, Ford, Gafford, Goodwin, Greer, Gregg, Grouby, Harrison, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Lewis, McKee, Manley, Mitchell, Moore, Olive, Owens, Parker, Payne, Ray, Riddick, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Starkey, Stewart, Venable, Waggoner, Williams, Willis and Zoghby.

—50

AMENDMENT OFFERED

Rep. Whatley offered the following amendment No. 2 to the bill, H. 631 as amended:

P. 27 Eliminate lines 8-12

AMENDMENT TABLED

On motion of Rep. Owens, the amendment No. 2 offered by Rep. Whatley to the bill, H. 631 as amended, was tabled.

Yeas 55; Nays 26.

Yeas:

Mr. Speaker, Adams (H), Bedsole, Biddle, Blake, Brakefield, Cabaniss, Campbell, Carter, Clark (G), Coburn, Crow, Dial, Dixon, Ford, Gafford, Goodwin, Gregg, Grimsley, Grouby, Harper (O), Harrison, Harvey, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, McKee, Manley, Minus, Mitchell, Naramore, Olive, Owens, Parker, Payne, Pegues, Rains, Ray, Reed, Riddick, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stewart, Turner, Turnham, Venable, Waggoner, Warren, Willis and Zoghby.

—55

Nays:

Reps. Adams (C), Albright, Barton, Bowling, Cheatwood, Clark (W), Cobb, Cooley, Escott, Gilmer, Hall, Holley, Holmes, Horn, Howard, Laird, Langford, Letson, McMillan, Moore, Nevett, Penry, Trammell, Tucker, Whatley and Wyatt.

—26

AMENDMENT OFFERED

Rep. Smith (M) offered the following amendment No. 2 to the bill, H. 631 as amended:

Amend the Substitute to the Substitute to the Substitute For House Bill 631, on page 30, line 11, after the word "care" by striking 2,753,481 and adding in lieu thereof 2,953,481 and by striking 3,197,436 and inserting in lieu thereof 3,397,436.

On line 16, after the word "Center" by striking 647,684 and inserting in lieu thereof 860,684 and by striking 1,458,133 and inserting in lieu thereof 1,671,133.

On line 25 after the word "Huntsville" by striking 11,400,000 and inserting in lieu thereof 11,813,000 and by striking 22,961,329 and inserting in lieu thereof 23,374,329.

Also amend line 28, 36 and 37 page 36 by striking through the figure 2,000,000 and substituting in lieu thereof the figure 1,587,000.

AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment No. 2 offered by Rep. Smith (M) to the bill, H. 631 as amended, was tabled.

Yeas 60; Nays 23.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Cheatwood, Clark (G), Clark (W), Cobb, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Fort, Goodwin, Gregg, Grimsley, Hammett, Harrison, Holley, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, McKee, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Ray, Sandusky, Sasser, Showmaker, Smith (C), Smith (M), Stewart, Tucker, Turner, Turnham, Venable, Waggoner, Warren, Williams and Zoghby.

—60

Nays:

Reps. Albright, Carter, Cates, Coburn, Cooley, Crow, Gilmer, Greer, Hall, Harvey, Holmes, Kelley, Langford, Letson, Patton, Rains, Reed, Riddick, Roberts, Shavers, Smith (J), Starkey and Wyatt.

—23

REPORT FILED

Pursuant to House Joint Resolution 19, Act No. 79-43 of the First Special Session of the Legislature of 1979, Senator Hinton Mitchem, Chairman, submitted the report of the Joint Interim Study Committee on Agriculture, and the report was ordered filed.

H. 631 RESUMED

AMENDMENT OFFERED

Rep. Smith (J) offered the following amendment to the bill, H. 631 as amended:

Amend H. B. 631 as substituted on page 18, line 29, by striking "6,405,516" and inserting in lieu thereof "7,405,516".

Further amend on page 17, line 38 and page 18, lines 5 and 6 by deleting "235,913,178" and inserting in lieu thereof "236,913,178".

Further amend on page 36, lines 28, 36 and 37 by striking "2,000,000" and inserting in lieu thereof the figure "1,000,000".

AMENDMENT LOST

And the amendment was lost.

Yeas 34; Nays 51.

Yeas:

Reps. Albright, Bowling, Brakefield, Carter, Cates, Cheatwood, Coburn, Cooley, Escott, Goodwin, Greer, Gregg, Grimsley, Hall, Hammett, Harvey, Holmes, Horn, Howard, Jackson, Kelley, Langford, Minus, Naramore, Nevett, Rains, Shavers, Smith (J), Starkey, Stout, Tucker, Turnham, Wialliams and Wyatt.

—34

Nays:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Biddle, Boles, Cabaniss, Campbell, Clark (G), Clark (W), Cosby, Daniels, Dial, Dixon, Drinkard, Ford, Gilmer, Grouby, Harper (O), Harper (T), Harrison, Johnson (R. G.), Kennedy, Laird, Letson, McKee, McMillan, Manley, Olive, Owens, Parker, Payne, Pegues, Penry, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Stewart, Turner, Venable, Waggoner, Warren, Whatley, Willis and Zoghby.

—51

AMENDMENT OFFERED

Rep. Rains offered the following amendment No. 1 to the bill, H. 631 as amended:

Amend H. B. 631 as substituted on page 36, line 17 by deleting the figure "\$5,200,000" and inserting in lieu thereof "\$4,613,184." Further amend H. B. 631 as substituted by adjusting the totals accordingly.

Further amend H. B. 631 as substituted on page 18, line 37 by deleting the figure "24,048,991" and inserting in lieu thereof the figure "24,635,807".

AMENDMENT TABLED

On motion of Rep. Dial the amendment No. 1 offered by Rep. Rains to the bill, H. 631 as amended, was tabled.

Yaeas 38; Nays 29.

Yeas:

Reps. Bedsole, Bennett, Biddle, Cabaniss, Campbell, Carter, Cates, Clark (G), Cobb, Dial, Dixon, Edwards, Gafford, Gregg, Grouby, Hammett, Harrison, Johnson (R. G.), McKee, McMillan, Manley, Minus, Mitchell, Naramore, Olive, Owens, Parker, Payne, Pegues, Ray, Riddick, Sandusky, Sasser, Shoemaker, Stewart, Venable, Warren and Zoghby.

—38

Nays:

Reps. Albright, Barton, Blake, Bowling, Brakefield, Buskey, Cheatwood, Clark (W), Cooley, Escott, Hall, Harper (O), Holley, Holmes, Horn, Howard, Langford, Letson, Nevett, Rains, Roberts, Shavers, Smith (C), Starkey, Stout, Trammell, Tucker, Turner and Wyatt.

—29

AMENDMENT OFFERED

Rep. Rains offered the following amendment No. 2 to the bill, H. 631 as amended:

Amend H. B. 631 as substituted on page 19, lines 18-21 by deleting the following sentence "An amount approved by the State Board of Education may be distributed by the State Board of Education to the Alabama Institute for Deaf and Blind to implement the purposes of Act No. 106 and P. L. 94-142."

AMENDMENT TABLED

On motion of Rep. Shoemaker, the amendment No. 2 offered by Rep. Rains to the bill, H. 631 as amended, was tabled.

Yeas 45; Nays 26.

Yeas:

Mr. Speaker, Adams (C), Bedsole, Bennett, Biddle, Cabaniss, Campbell, Cates, Clark (G), Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Groby, Hammett, Harrison, Johnson (R. G.), Kelley, McKee, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Ray, Riddick, Roberts, Sasser, Shoemaker, Stewart, Trammell, Venable, Warren, Willis and Zoghby.

—45

Nays:

Reps. Albright, Barton, Blake, Boles, Bowling, Brakefield, Buskey, Cheatwood, Clark (W), Cobb, Coburn, Escott, Hall, Harper (O), Holmes, Horn, Howard, Kennedy, Langford, Shavers, Smith (C), Starkey, Stout, Tucker, Turner and Wyatt.

—26

MOTION TO RECONSIDER TABLED

Having voted on the prevailing side, Rep. Smith (C) offered the motion to reconsider the vote by which the amendment offered by Rep. Daniels to the bill, H. 631 as amended, was tabled, and on motion of Rep. Owens, the motion to reconsider was tabled.

Yeas 43; Nays 39.

Yeas:

Mr. Speaker, Adams (H), Barton, Biddle, Cabaniss, Campbell, Cates, Clark (G), Cobb, Dial, Drinkard, Ford, Gafford, Gregg, Grouby, Hammett, Harrison, Johnson R. G.), Kelley, McKee, McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Payne, Pegues, Ray, Sasser, Seibels, Shavers, Shoemaker, Starkey, Stewart, Turnham, Venable, Waggoner, Warren, Williams, Willis and Zoghby.

—43

Nays:

Reps.: Adams (C), Albright, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Carter, Cheatwood, Clark (W), Coburn, Cosby, Crow, Daniels,

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Dixon, Escott, Grimsley, Hall, Harper (O), Holley, Holmes, Horn, Howard, Kennedy, Langford, Mitchell, Naramore, Nevett, Penry, Riddick, Roberts, Smith (C), Smith (M), Stout, Trammell, Tucker, Turner and Wyatt.

—39

AMENDMENT OFFERED

Rep. Langford offered the following amendment to the bill, H. 631 as amended:

Amend H. B. 631 as Substituted on page 30, line 36 by inserting a new line item to read:

For Public Service, Research and Extension \$250,000.

Further amend by changing the total from ASETF to reflect the addition of this line item.

AMENDMENT TABLED

On motion of Rep. Owens, the amendment offered by Rep. Langford to the bill, H. 631 as amended, was tabled.

Yeas 49; Nays 28.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Brakefield, Cabaniss, Campbell, Carter, Cates, Clark (G), Cobb, Cosby, Dial, Dixon, Ford, Gilmer, Grouby, Hammett, Harper (T), Jackson, Johnson (R. G.), McKee, McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Patton, Pegues, Ray, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Starkey, Stewart, Turnham, Venable, Waggoner, Warren, Williams, Willis and Zoghby.

—49

Nays:

Reps.: Albright, Blake, Bowling, Buskey, Cheatwood, Clark (W), Crow, Drinkard, Escott, Gregg, Hall, Harper (O), Harrison, Holmes, Horn, Howard, Johnson (Roy), Kennedy, Langford, Nevett, Rains, Riddick, Smith (C), Smith (M), Tucker, Turner, Whatley and Wyatt.

—28

AMENDMENT OFFERED

Rep. Holley offered the following amendment No. 3 to the bill, H. 631 as amended:

Amend House Bill No. 631 as substituted on Page 14 Line 11, by striking out the comma after the word "Appropriation" and inserting in lieu thereof a period.

On page 14 delete lines 12 through 16 in their entirety and on page 14, line 17 delete "ments."

AMENDMENT TABLED

On motion of Rep. Ford, the amendment No. 3 offered by Rep. Holley to the bill, H. 631 as amended, was tabled.

Yeas 62; Nays 15.

Yeas:

Mr. Speaker, Adams (H), Bedsole, Biddle, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Harper (T), Harvey, Jackson, McKee, McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Patton, Payne, Pegues, Ray, Roberts, Sandusky, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Tucker, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis, and Zoghby.

—62

Nays:

Reps.: Albright, Barton, Buskey, Clark (W), Hall, Horn, Howard, Johnson (Roy), Nevett, Penry, Rains, Trammell, Turner, Whatley and Wyatt.

—15

AMENDMENT OFFERED

Rep. Holley offered the following amendment No. 4 to the bill, H. 631 as amended:

Amend House Bill No. 631 as substituted on Page 14 Line 9, by inserting on the main campus after word "attempted".

On page 14, line 22, following the word "required," insert the following: "Main campus shall include those facilities at the site originally authorized."

AMENDMENT TABLED

On motion of Rep. Cates, the amendment No. 4 offered by Rep. Holley to the bill, H. 631 as amended, was tabled.

Yeas 67; Nays 12.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bedsole, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grouby, Hall, Harper (O), Harvey, Kelley, Kennedy, Laird, McKee, McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Pegues, Penry, Ray, Riddick, Roberts, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Turner, Turnham, Venable, Ward, Warren, Williams, Willis and Zoghby.

—67

Nays:

Reps.: Barton, Cheatwood, Harper (T), Harrison, Holley, Holmes, Horn, Howard, Johnson (Roy), Langford, Whatley and Wyatt.

—12

AMENDMENT OFFERED

Rep. Wyatt offered the following amendment No. 2 to the bill, H. 631 as amended:

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Under Section 3-A-21(a), strike "248,581,154" and insert in lieu thereof "233,471, 899" in all places; following "SOURCE OF FUNDS" delete subsection (a) in its entirety; remove "(b)" and insert in lieu thereof "(a)" and reletter subsequent paragraphs until "(n)" becomes "(m)"

Under Section 3-A-26, following the words "approval of the Governor." add the following:

"(b) For providing a fully funded
Hospital/Medical Insurance pro-
gram for all Professional Staff,
Support Staff, and Adult School
Bus Drivers except those em-
ployed at four year universities 35,793,372

SOURCE OF FUNDS:

(1) ASETF-Teachers' Hospital/
Medical Insurance 35,793,372

Total Teachers' Retirement Sys-
tems Program for Hospital/
Medical Insurance 35,793,372 35,793,372

AMENDMENT TABLED

On motion of Rep. Cates, the amendment No. 2 offered by Rep. Wyatt to the bill, H. 631 as amended, was tabled.

Yeas 52; Nays 43.

Yeas:

Mr. Speaker, Bedsole, Biddle, Cabaniss, Campbell, Carter, Cates, Clark (G), Coburn, Cosby, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Gregg, Grouby, Harper (T), Harrison, Jackson, Kelley, McKee, McMillan, Manley, Mitchell, Moore, Olive, Owens, Parker, Payne, Pegues, Ray, Riddick, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis and Zoghby.

—52

Nays:

Reps.: Albright, Amari, Barton, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cheatwood, Clark (W), Cobb, Cooley, Crow, Escott, Goodwin, Grimsley, Hall, Hammett, Harper (O), Harvey, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Naramore, Nevett, Patton, Penry, Rains, Roberts, Smith (C), Stout, Trammell, Tucker, Turner, Whatley and Wyatt.

—43

AMENDMENT OFFERED

Rep. Adams (H) offered the following amendment No. 3 to the bill, H. 631 as amended:

Amend the Substitute to the Substitute to the Substitute to H. B. 631 by inserting on page 37 on line 35 the following section and re-numbering all following sections accordingly:

"Section 9.

The State Budget Officer is directed to reduce the Alabama Special Educational Trust Fund appropriations made in this bill to the four year institutions, Athens State College, the Junior College System and the Post-secondary Vocational-Technical Education System by a total of \$3,000,000. This reduction shall be made on a prorata basis from the appropriation to each institution, college and system. Within the appropriation to each institution, college and system, the the appropriation for each program and line item shall also be reduced on a prorata basis."

Further amend H. B. 631 as substituted by deleting on page 18 line 34 the following:

"\$5,000,000"

and inserting in lieu thereof the following:

"\$8,000,000"

and adjust the total appropriation to the Board of Education, Financial Assistance Program, accordingly.

AMENDMENT TABLED

On motion of Rep. Owens, the amendment No. 3 offered by Rep. Adams (H) to the bill, H. 631 as amended, was tabled.

Yeas 63; Nays 20.

Yeas:

Mr. Speaker, Albright, Barton, Bedsole, Bennett, Biddle, Bowling, Brakefield, Buskey, Campbell, Carothers, Cates, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Crow, Dial, Dixon, Gafford, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Owens, Parker, Patton, Payne, Pegues, Ray, Reed, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Starkey, Stewart, Turner, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis and Zoghby.

—63

Nays:

Reps.: Adams (C), Blake, Cabaniss, Carter, Daniels, Gilmer, Hall, Harper (T), Holley, Holmes, Kelley, Langford, Nevett, Penry, Rains, Riddick, Smith (J), Stout, Whatley and Wyatt.

—20

MOTION TO RECONSIDER TABLED

Having voted on the prevailing side, Rep. Howard offered the motion to reconsider the vote by which the amendment No. 2 offered by Rep. Holley to the bill, H. 631 as amended, was tabled, and on motion of Rep. Owens, the motion to reconsider was tabled.

Yeas 51; Nays 47.

Yeas:

Mr. Speaker, Bedsole, Biddle, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cosby, Dial, Dixon, Edwards, Ford, Gafford, Gilmer,

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Gregg, Grouby, Harper (T), Jackson, Kelley, McKee, McMillan, Manley, Mitchell, Moore, Olive, Owens, Parker, Payne, Pegues, Ray, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—51

Nays:

Reps.: Adams (C), Albright, Amari, Barton, Bennett, Blake, Boles, Brakefield, Buskey, Cheatwood, Clark (W), Cobb, Cooley, Crow, Daniels, Drinkard, Escott, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Harrison, Harvey, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Naramore, Nevett, Patton, Penry, Rains, Reed, Smith (C), Stout, Trammell, Tucker, Turner and Wyatt.

—47

AMENDMENT OFFERED

Rep. Patton offered the following amendment to the bill, H. 631 as amended:

On page 28, lines 15 and 17, delete the figure “42,655,000” and insert in lieu thereof:

42,441,725

On page 28, line 17, delete the figure “101,919,637” and insert in lieu thereof:

101,706,362

On page 29, lines 32 and 36, delete the figure “64,932,500” and insert in lieu thereof:

64,607,837

On page 29, line 36, delete the figure “278,547,397” and insert in lieu thereof:

278,222,834

On page 30, lines 22 and 25, delete the figure “11,400,000” and insert in lieu thereof:

11,343,000

On page 30, line 25, delete the figure “22,961,329” and insert in lieu thereof:

22,904,329

On page 30, lines 33 and 35, delete the figure “9,215,000” and insert in lieu thereof:

9,168,925

On page 30, line 35, delete the figure “22,712,595” and insert in lieu thereof:

22,666,520

On page 31, lines 9, 12 and 14, delete the figure "7,932,500" and insert in lieu thereof:

7,892,837

On page 31, line 14, delete the figure "16,679,429" and insert in lieu thereof:

16,639,766

On page 32, lines 8 and 10, delete the figure "40,959,250" and insert in lieu thereof:

40,754,454

On page 32, line 10, delete the figure "94,337,910" and insert in lieu thereof:

94,133,114

On page 33, lines 9 and 12, delete the figure "6,365,000" and insert in lieu thereof:

6,333,175

On page 33, line 12, delete the figure "12,209,458" and insert in lieu thereof:

12,177,633

On page 33, lines 24 and 27, delete the figure "11,875,000" and insert in lieu thereof:

11,815,625

On page 33, line 27, delete the figure "18,206,272" and insert in lieu thereof:

18,146,897

On page 33, lines 35 and 37, delete the figure "3,705,000" and insert in lieu thereof:

3,686,475

On page 33, line 37, delete the figure "6,567,690" and insert in lieu thereof:

6,549,165

On page 34, lines 15 and 17, delete the figure "6,175,000" and insert in lieu thereof:

6,144,125

On page 34, line 17, delete the figure "12,108,394" and insert in lieu thereof:

12,067,519

On page 34, lines 25 and 27, delete the figure "7,552,500" and insert in lieu thereof:

7,514,737

On page 34, line 27, delete the figure "14,289,525" and insert in lieu thereof:

14,251,762

On page 35, lines 21 and 23, delete the figure "24,261,100" and insert in lieu thereof:

24,139,694

On page 35, line 23, delete the figure "83,261,874" and insert in lieu thereof:

83,140,568

On page 36, lines 10 and 12, delete the figure "8,455,000" and insert in lieu thereof:

8,412,725

On page 36, line 12, delete the figure "20,984,415" and insert in lieu thereof:

20,942,140

On page 26, lines 34 and 36, delete the figure "7,704,835" and insert in lieu thereof:

8,932,251

On page 26, line 36, delete the figure "9,385,491" and insert in lieu thereof:

10,612,907

AMENDMENT TABLED

On motion of Rep. Owens, the amendment offered by Rep. Patton to the bill, H. 631, was tabled.

Yeas 65; Nays 22.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Biddle, Boles, Bowling, Cabaniss, Campbell, Carothers, Cates, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Dial, Drinkard, Edwards, Ford, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Harvey, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Pegues, Ray, Riddick, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams and Zoghby.

—65

Nays:

Reps.: Albright, Blake, Brakefield, Carter, Cheatwood, Crow, Daniels, Dixon, Hall, Holley, Holmes, Langford, Letson, Nevett, Patton, Payne, Penry, Rains, Roberts, Stout, Willis and Wyatt.

—22

MOTION TO RECONSIDER TABLED

Having voted on the prevailing side, Rep. Smith (M) offered the motion to reconsider the vote by which the amendment submitted by him to the bill, H. 631 as amended, was tabled, and on motion of Rep. Bedsole, the motion to reconsider was tabled.

Yeas 50; Nays 38.

Yeas:

Reps.: Adams (C), Adams (H), Barton, Bedsole, Cabaniss, Campbell, Carothers, Clark (G), Clark (W), Cobb, Cosby, Dial, Drinkard, Edwards, Ford, Gilmer, Goodwin, Grimsley, Hammett, Harper (T), Harrison, Harvey, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, McKee, McMillan, Manley, Minus, Olive, Owens, Parker, Payne, Pegues, Penry, Ray, Sandusky, Sasser, Seibels, Shoemaker, Stewart, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams and Willis.

—50

Nays:

Reps.: Albright, Blake, Bowling, Brakefield, Buskey, Carter, Cates, Cheatwood, Coburn, Cooley, Crow, Daniels, Dixon, Escott, Greer, Gregg, Hall, Holley, Holmes, Horn, Kelley, Langford, Letson, Naramore, Nevett, Patton, Rains, Riddick, Roberts, Shavers, Smith (C), Smith (J), Smith (M), Starkey, Stout, Trammell, Wyatt and Zoghby.

—38

AMENDMENT OFFERED

Rep. Smith (C) offered the following amendment to the bill, H. 631 as amended:

Amend H. B. 631 on page 34, Section VIII, line(s) 14 by (striking or adding) after the word(s) the following: Adding the No. 6 and line item Vocational Teacher Training in the amount of \$50,000 and change the total appropriation to \$6,225,000.

AMENDMENT TABLED

On motion of Rep. Owens, the amendment offered by Rep. Smith (C) to the bill, H. 631 as amended, was tabled.

Yeas 65; Nays 25.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Coburn, Cooley, Cosby, Dial, Dixon, Drinkard, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (T), Harrison, Harvey, Johnson (R. G.), Kelley, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Olive, Owens, Payne, Pegues, Penry, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Turner, Turnham, Venable, Ward, Warren, Williams and Zoghby.

—65

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Nays:

Reps.: Albright, Amari, Boles, Buskey, Cheatwood, Clark (W), Crow, Edwards, Holley, Holmes, Howard, Johnson (Roy), Kennedy, Laird, Langford, Letson, Moore, Nevett, Patton, Smith (C), Smith (M), Waggoner, Whatley, Willis and Wyatt.

—25

Amendment offered

Rep. Holmes offered the following amendment No. 2 to the bill, H. 631 as amended:

Amend H. B. 631 as substituted on page 36, line 38 by inserting the following subsection:

B. Increase for Bear Bryant

1. \$95,000 is hereby appropriated for the salary of Paul "Bear" Bryant.

AMENDMENT TABLED

On motion of Rep. Owens, the amendment No. 2 offered by Rep. Holmes to the bill, H. 631 as amended, was tabled.

Yeas 70; Nays 10.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Biddle, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cobb, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Grimsley, Grouby, Hammett, Harper (T), Harrison, Harvey, Howard, Johnson (R. G.), Kelley, Laird, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Ray, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—70

Nays:

Reps.: Boles, Buskey, Clark (G), Clark (W), Gregg, Harper (O), Kennedy, Rains, Sandusky and Tucker.

—10

And the bill, H. 631, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 20.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Cooley, Cosby, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Lewis, McKee,

McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Parker, Payne, Pegues, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Tucker, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—82

Nays:

Reps.: Albright, Boles, Buskey, Cheatwood, Clark (W), Coburn, Crow, Daniels, Hall, Harvey, Holley, Holmes, Langford, Letson, Naramore, Patton, Penry, Stout, Turner and Wyatt.

—20

RESOLUTIONS

The following resolutions were introduced:

By Rep. Biddle:

H. J. R. 299. EXPRESSING GRATITUDE TO MR. ROY CLARK FOR HIS DEDICATION TO THE CAUSE OF THE ALABAMA SPECIAL OLYMPICS.

WHEREAS, on Saturday, April 25, Alabama's 10th Annual Great Stars Show will be held at the Montgomery Civic Center for the benefit of the Alabama Special Olympics; and

WHEREAS, in furtherance of this very special cause, our beloved native son, George Lindsey, has again prevailed upon a galaxy of stars to participate in his Celebrity Weekend on behalf of Alabama's special children; and

WHEREAS, it is to be noted, in deep gratitude, that Mr. Roy Clark, as in many past years, will again give unselfishly of his time and extraordinary talent to promote the Olympics for the education of these wonderful children in Alabama; and

WHEREAS, a total entertainer, Mr. Clark is a singer, instrumentalist, comedian and actor who has received numerous country music awards and has been named Instrumentalist of the Year on several occasions; as a star of such stature, he receives thousands of dollars for each appearance which he has several times forfeited to instead attend, at his own expense, the George Lindsey Celebrity Weekend; and

WHEREAS, this year, despite injuries as a result of an accident, Mr. Clark is still participating on behalf of our Special Olympics, an act of dedication, love and devotion that has earned for him a very special place in the hearts of all Alabamians; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we stand in tribute to Mr. Roy Clark and are humble in our gratitude for the magnitude of his compassion for others.

BE IT FURTHER RESOLVED, That Mr. Clark be presented with a copy of this resolution in token of Alabama's appreciation for his generosity and in utmost commendation of his phenomenal achievement as an entertainer of worldwide renown.

On motion of Rep. Biddle, the rules were suspended and the resolution, H. J. R. 299, was adopted.

Also:

By Rep. Moore:

H. R. 300. REQUESTING AN ADVISORY OPINION OF THE SUPREME COURT RELATIVE TO H. B. 1035, PERMITTING GROCERY STORES, FOOD RETAILERS OR SOFT DRINK BOTTLERS TO CONDUCT OR SPONSOR CERTAIN CONTESTS FOR PROMOTIONAL OR ADVERTISING PURPOSES.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinion on the following important constitutional question which has arisen concerning the pending H. B. 1035, which Act pertains to permitting certain contests for advertising or promotional purposes involving prizes or awards, copies of which are attached to this resolution and made a part hereof by reference:

1. Does Section 1 of H. B. 1035 which states:

"Any contest for prizes or money as rewards, which is for promotional or advertising purposes, sponsored or conducted by any grocery store, food retailer or soft drink bottler in this state, and which does not require or mandate the participant to give a consideration therefor, in cost or purchase, shall be legal. No such contest shall be construed to be a lottery," fall within the constitutional prohibitions of Article IV, Section 65 of the Constitution of 1901?

RESOLVED FURTHER, That the Clerk of the House is hereby directed to send five true copies of the pending H. B. 1035, with attachments, to the Clerk of the Supreme Court of Alabama and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this Resolution.

On motion of Rep. Moore, the rules were suspended and the resolution, H. R. 300, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Harper (T):

H. R. 301. Recognizing the dire economic needs facing classified school employees.

SPECIAL ORDER RESUMED

And the bill:

H. 632. To make appropriations for the support and maintenance of the Marion Military Institute.

As amended and temporarily postponed on the seventeenth legislative day, was taken up.

AMENDMENT OFFERED

Rep. Johnson (Roy) offered the following amendment to the bill, H. 632 as amended:

Amend House Bill No. Substitute to H. 632 Page 1 Line 19, 20, by striking out "the sum of Three Hundred Twenty-Five Thousand Dollars (\$325,000.00)" and insert in lieu thereof, "the sum of Three Hundred and Eight Thousand, Seven Hundred and Fifty Dollars (\$308,750.00)"

AMENDMENT TABLED

On motion of Rep. Pegues, the amendment offered by Rep. Johnson (Roy) to the bill, H. 632 as amended, was tabled.

Yeas 43; Nays 25.

Yeas:

Mr. Speaker, Amari, Barton, Bennett, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Cooley, Cosby, Dial, Drinkard, Edwards, Gregg, Grimsley, Grouby, Harrison, McKee, Manley, Minus, Naramore, Olive, Owens, Patton, Pegues, Reed, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Stewart, Turnham, Waggoner, Ward, Warren, Williams and Zoghby.

—43

Nays:

Reps.: Albright, Blake, Cheatwood, Coburn, Crow, Daniels, Dixon, Ford, Hall, Holley, Holmes, Howard, Johnson (Roy), Langford, Lewis, Mitchell, Nevett, Parker, Rains, Shavers, Starkey, Stout, Turner, Venable and Wyatt.

—25

And the bill, H. 632, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 4.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Escott, Gafford, Gilmer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harrison, Holmes, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Letson, McKee, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Pegues, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Stewart, Tucker, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—72

Nays: Reps.: Cheatwood, Johnson (Roy), Lewis and Turner.

—4

And the bill:

H. 633. (With Substitute): To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

Which was temporarily postponed on the seventeenth legislative day, was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated for the fiscal year ending September 30, 1982, the sum of One Hundred Twenty Five Thousand Dollars (\$125,000.00), for the funds in the Alabama Special Educational Trust Fund, to the Lyman Ward Military Academy located in Camp Hill, Alabama, to be used for the support and maintenance of said school.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the legislature each year, before any subsequent appropriation requests may be considered by the legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. This act shall become effective October 1, 1981.

And the substitute was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Biddle, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cooley, Cosby, Crow, Dial, Dixon, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Jackson, Johnson (R. G.), Kelley, Kennedy, Laird, Letson, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Pegues, Rains, Ray, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Stewart, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Williams and Willis.

—68

AMENDMENT OFFERED

Rep. Johnson (Roy) offered the following amendment to the bill, H. 633 as amended:

Amend House Bill No. Substitute to H. B. 633 Page 1 Lines 21, 22, by striking out "the sum of One Hundred Twenty Five Thousand Dollars (\$125,000.00)" and insert in lieu thereof, "the sum of One Hundred and Eighteen Thousand, Seven Hundred and Fifty Dollars (118,750)"

AMENDMENT TABLED

On motion of Rep. Owens, the amendment offered by Rep. Johnson (Roy) to the bill, H. 633 as amended, was tabled.

Yeas 59; Nays 22.

Yeas:

Mr. Speaker, Adams (H), Amari, Barton, Bennett, Biddle, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cooley, Cosby, Dial, Dixon, Edwards, Escott, Gafford, Gilmer, Gregg, Grimsley, Grouby, Harper (O), Harrison, Holmes, Jackson, Johnson (R. G.), Kelley, Laird, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Patton, Pegues, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Turnham, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—59

Nays:

Reps.: Albright, Blake, Cheatwood, Crow, Daniels, Ford, Greer, Hall, Hammett, Holley, Howard, Johnson (Roy), Kennedy, Langford, Letson, Lewis, Mitchell, Parker, Rains, Turner, Venable and Wyatt.

—22

And the bill, H. 633, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 4.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Escott, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Holmes, Horn, Jackson, Johnson (R. G.), Kelley, Kennedy, Laird, Letson, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Rains, Ray, Reed, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Tucker, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—78

Nays: Reps.: Cheatwood, Johnson (Roy), Turner and Wyatt.

—4

And the bill:

H. 634. (With Substitute): To make appropriations for the support and maintenance of the Talladega College.

Which was temporarily postponed on the seventeenth legislative day, was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make appropriations for the support and maintenance of the Talladega College.

REGULAR SESSION
23rd Day

1611

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated for the fiscal year ending September 30, 1982, the sum of Three Hundred Thousand Dollars (\$300,000.00), out of the funds in the Alabama Special Educational Trust Fund, to the Talladega College located at Talladega, Alabama, to be used for the support and maintenance of said school.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. This Act shall become effective October 1, 1981.

And the substitute was adopted.

Yeas 78; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Cates, Clark (G), Cobb, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Escott, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Holmes, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Rains, Ray, Reed, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—78

Nay: Rep. Wyatt.

—1

And the bill, H. 634, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Barton, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Coburn, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Escott, Gafford, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Rains, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—75

Nays: Reps. Johnson (Roy) and Turner.

—2

And the bill:

H. 635. (With Substitute): To make appropriations for the support and maintenance of the Walker County Junior College.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make appropriations for the support and maintenance of the Walker County Junior College.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated for the fiscal year ending September 30, 1982, the sum of Four Hundred Thousand Dollars (\$400,000.00), out of the funds in the Alabama Special Educational Trust Fund, to the Walker County Junior College located at Jasper, Alabama, to be used for the support and maintenance of said school.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year, before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. This Act shall become effective October 1, 1981.

And the substitute was adopted.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Escott, Gafford, Gilmer, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Holley, Holmes, Jackson, Johnson (R. G.), Kelley, Kennedy, Laird, Letson, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—73

And the bill, H. 635, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

REGULAR SESSION
23rd Day

1613

Yeas 79; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Dial, Drinkard, Edwards, Escott, Gafford, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Kelley, Kennedy, Laird, Letson, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Tucker, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—79

Nay: Rep. Turner.

—1

And the bill:

H. 776. To make appropriations for the support and maintenance of the Tuskegee Institute.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Escott, Gafford, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Trammell, Tucker, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—84

Nay: Rep. Turner.

—1

MOTION TO ADJOURN LOST

The motion offered by Rep. Holmes that the House adjourn until 1:00 o'clock p.m., Tuesday, April 28, 1981, was lost.

Yeas 37; Nays 44.

Yeas:

Reps.: Albright, Barton, Blake, Brakefield, Carothers, Cheatwood, Clark (G), Clark (W), Cooley, Gregg, Hall, Harper (O), Harrison, Harvey, Holley, Holmes, Howard, Jackson, Johnson (Roy), Langford, Moore, Nevett, Parker, Patton, Pegues, Rains, Roberts, Sasser, Shavers, Smith (C), Smith (J), Stout, Trammell, Turner, Warren, Williams and Wyatt.

—37

Nays:

Mr. Speaker, Adams (C), Adams (H), Amari, Bedsole, Bennett, Biddle, Cabaniss, Campbell, Carter, Cates, Crow, Dial, Dixon, Edwards, Gafford, Gilmer, Greer, Grouby, Hammett, Harper (T), Johnson (R. G.), Kelley, Letson, McKee, McMillan, Minus, Naramore, Olive, Owens, Payne, Penry, Ray, Sandusky, Seibels, Shoemaker, Smith (M), Stewart, Turnham, Venable, Waggoner, Ward, Willis and Zoghby.

—44

SPECIAL ORDER RESUMED

And the bill:

H. 554. This bill provides for the certification of manufactured buildings; to provide for the regulation, administration and enforcement of the provisions of this Act by the Alabama State Fire Marshal and to provide penalties for violations of this Act or any rule or regulation promulgated hereunder.

Was taken up.

SUBSTITUTE OFFERED

Rep. Ward offered the following substitute to the bill, H. 554:

A BILL TO BE ENTITLED AN ACT

To provide for the certification of manufactured buildings; to provide for the regulation, administration and enforcement of the provisions of this act **by the Alabama state fire marshal and to provide penalties for violations of this act or any rule or regulation promulgated hereunder.**

Be It Enacted by the Legislature of Alabama:

Section 1. Purpose. The legislature hereby finds that in an effort to meet the housing needs within the state, the private housing and construction industry has developed mass production techniques which can substantially reduce a housing and building cost, and that the mass production of housing and buildings consisting primarily of factory manufacture, presents unique problems with respect to the establishment of uniform health and safety standards and inspection procedures. The legislature further finds that by minimizing the problems of standards and inspection procedures it is demonstrating its intention to encourage the reduction of manufactured building construction costs, and to make housing and home ownership more feasible for all residents of the state.

Section 2. Definitions. As used in this act:

- (1) "Department" means the office of the Alabama state fire marshal.
- (2) "Approved" means conforming to the recognized codes and regulatory requirements adopted by the department.
- (3) "Approved Inspection Agency" means an organization meeting the department's requirements to provide inspection of manufactured buildings and to insure compliance with national recognized codes, and rules and regulations adopted by the department pursuant to this act.

(4) "Local government" means a city or county government.

(5) "Manufacture" means the process of making, fabricating, constructing, forming, or assembling a product from raw, unfinished or semifinished materials.

(6) "Install" means the assembly of a manufactured building, components of manufactured building on site and the process of affixing a manufactured building to land, a foundation, footings, or an existing building and service connections which are a part thereof.

(7) "Site" means the entire tract, subdivision or parcel of land on which manufactured building is installed.

(8) "Insignia" means a label, seal or data plate issued by the department to indicate compliance with the codes and requirements established by the department pursuant to the act.

(9) "Mobile Home" or "Manufactured Home" means any residential dwelling unit constructed to standards and codes as promulgated by the United States Department of Housing and Urban Development.

(10) "Dwelling Unit" means one or more habitable rooms which are occupied, intended, or designed to be occupied by one or more families with facilities for living, sleeping, cooking and eating.

(11) "Equipment" means all materials, appliances, devices, fixtures, fittings, or accessories installed in or used in the manufacture and assembly of manufactured building.

(12) "System" means structural, plumbing, mechanical, heating, electrical, or ventilating elements, materials or components combined for use in a manufactured building.

(13) "Manufactured building" means a closed structure, building assembly, or systems of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, utility service lines, footings, foundations, porches or other service systems manufactured in manufacturing facilities, for installation or erection, with or without other specified components, as a finished building or as a part of a finished building, which shall include, but not be limited to, residential dwelling units, commercial, institutional, storage, and industrial structures. "Mobile Homes" or "Manufactured Homes" are excluded. Manufactured building may also mean, at the option of the manufacturer, any building of open construction made or assembled in manufacturing facilities away from the building site, for installation, or assembly and installation, on the building site.

(14) "Closed construction" means that condition when any building, component, assembly, subassembly, or system is manufactured in such a manner that all portions cannot be readily inspected at the site without disassembly or destruction thereof.

(15) "Open construction" means any building, building component, assembly, or systems manufactured in such a manner that all portions can be readily inspected at the site without disassembly, damage to, or destruction thereof.

(16) "Fees" means monies to be paid to the department from any and all persons, firms, companies, corporations, and manufacturers engaged in the manufacture or installation of manufactured buildings.

(17) "Component" means any assembly, subassembly, or combination of parts for use as a part of a building, which may include structural, electrical, mechanical and fire protection systems, and other systems affecting health and safety.

(18) "Model" means a specific design of manufactured building which is based on size, room arrangement, method of construction, location arrangement or size of plumbing, heating or electrical equipment systems.

(19) "Modular Home" means a manufactured building built and inspected in accordance with a national building code and in compliance with the provisions of this act.

Section 3. Regulation.

(a) The state fire marshal is authorized to promulgate rules, and enter into contracts, and do such things as may be necessary and incidental to the administration of its authority pursuant to this act.

(b) After the effective date of the rules adopted pursuant to this act, no manufactured building shall be sold, or offered for sale, or installed in this state unless it is approved and bears the insignia of approval of the department.

(c) The factory build housing act of 1971 and the rules promulgated under that act shall continue until the effective date of subsection (b) and thereafter shall be repealed. All personnel of the modular housing division of the Alabama Development Office shall be transferred without impairment of their merit system status to the department, and all funds, appropriations, papers, documents, files, materials, equipment, supplies and other effects employed and used for the administration and enforcement of the previous act shall become the property of the department. All approvals issued by the department under the provisions of the prior act shall be deemed to comply with the requirements of this act.

(d) All manufactured buildings issued and bearing insignia of approval pursuant to subsection (b) and (c) shall be deemed to comply with the requirements of all ordinances or regulations enacted by any local government which are applicable to the construction of manufactured buildings. The determination by the department of the scope of such approval is final.

(e) No manufactured building bearing department insignia of approval pursuant to subsection (b) shall be in any way modified prior to or during installation unless approval is first obtained from the department.

(f) Manufactured buildings which have been issued and bear the insignia of approval pursuant to this act upon manufacture or first sale shall not require an additional approval or insignia by a local government in which they are subsequently sold or installed, except a residential dwelling unit that is resold whether by a manufacturer, manufacturer's representative, or dealer these units must bear an additional seal of approval issued by the department.

(g) The department by rule shall establish a schedule of fees to give cost relief to the department for the work related to the administration and enforcement of this act. All fees collected under the provisions of this act, or otherwise inuring to the credit of the fire marshal, shall be deposited in the state treasury in a fund to be designated as the "state fire marshals fund."

(h) If the department determines that standards for construction and inspection of manufactured buildings prescribed by statute or rule or another state are at least equal to standards prescribed by the department under this act and such standards are actually enforced by such other state, the department may provide by rule that manufactured building, which has been inspected and approved by such other state or its delegated inspection agency, shall be deemed to have been approved by the department, and shall authorize the affixing of the appropriate insignia of approval.

(i) The use of the word "modular," singular or in combination with any other word to describe a mobile home or manufactured home, is hereby prohibited and said use shall constitute a violation of the provisions of this act.

(j) Any city or county official who violates the provisions of this act by refusing to accept a manufactured building, approved by the department shall personally be liable and not be immune from prosecution if suit is brought by a party to said transaction.

Section 4. (a) The department shall enforce the provisions of this act and the regulations adopted pursuant hereto, except that the department may delegate its enforcement authority to a local government agency, an approved inspection agency or an agency of another state provided the inspection agencies inspection requirements conform with the requirements of the department.

(b) The department shall promulgate rules and regulations to interpret and make specific the provisions of this act. These rules shall include provisions imposing requirements reasonably consistent with recognized and accepted standards adopted by the southern building codes congress, international, the national fire protection association or any other nationally recognized building standards.

Section 5. Injunctive Relief.

The department may obtain injunctive relief from the proper circuit court to enjoin the sale, delivery, or installation of manufactured building upon an affidavit specifying the manner in which the building does not conform to the requirements of this act or to rules issued pursuant hereto.

Section 6. Penalties.

A person who violates any of the provisions of this act or any rule adopted pursuant hereto is guilty of a misdemeanor, punishable by a fine of \$500.00, or by imprisonment for 30 days, or both. A separate violation shall be deemed to have occurred with respect to each building unit (building component) involved.

Section 7. All laws or parts of laws which conflict with the act are repealed.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This act shall become effective October 1, 1981, following its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Dial, Dixon, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Howard, Johnson (R. G.), Kelley, Langford, McMillan, Minus, Naramore, Olive, Owens, Pegues, Ray, Sasser, Seibels, Smith (C), Smith (J), Stewart, Turner, Turnham, Venable, Waggoner, Williams, Willis, Wyatt and Zoghby.

—58

AMENDMENT OFFERED

Rep. Trammell offered the following amendment to the bill, H. 554 as amended:

On page 6, after line 38, insert the following language:

(k) This section shall not apply to factory built housing which is inspected and approved by a local government agency at the place of, and during the time of, manufacture in accordance with local building requirements, if the requirements are reasonably consistent with standards established by the southern building codes congress, the national fire protection association, and the United States department of housing and urban development. The cost of the inspection shall be borne by the manufacturer.

(1) All factory-built housing bearing an insignia of approval issued by the department pursuant to this act shall be deemed to comply with the requirements of all ordinances or regulations enacted by any local government which are applicable to the manufacture of such housing. The determination by the department of the scope of such approval is final.

(2) No factory-built housing bearing a department insignia of approval pursuant to this act shall be in any way modified prior to or during installation unless approval is first obtained from the department.

(3) Factory-built housing which has been inspected and approved by a local government agency shall not be modified prior to or during installation unless approval for the modification is first obtained from the local government agency.

(4) The department by rule shall establish a schedule of fees to pay the costs incurred by it for the work related to administration and enforcement of this section.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 39; Nays 20.

Yeas:

Reps.: Amari, Barton, Bennett, Biddle, Brakefield, Cabaniss, Carter, Cheatwood, Clark (W), Coburn, Cooley, Gafford, Gilmer, Goodwin, Greer, Gregg, Hammett, Harper (T), Harrison, Holmes, Howard, Langford, Letson, Lewis, Naramore, Parker, Patton, Payne, Pegues, Ray, Roberts, Seibels, Smith (C), Trammell, Tucker, Turner, Waggoner, Wyatt and Zoghby

—39

Nays:

Mr. Speaker, Adams (C), Adams (H), Blake, Campbell, Dixon, Edwards, Grimsley, Grouby, Hall, Harper (O), Holley, Johnson (R. G.), Laird, McMillan, Minus, Turnham, Ward, Warren and Willis.

—20

And the bill:

H. 554. To provide for the certification of manufactured buildings; to provide for the regulation, administration and enforcement of the provisions of this act by the Alabama state fire marshal and to provide penalties for violations of this act or any rule or regulation promulgated hereunder.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Dixon, Drinkard, Edwards, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harrison, Howard, Kelley, Kennedy, Laird, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Payne, Pegues, Ray, Roberts, Sasser, Seibels, Smith (C), Starkey, Stewart, Trammell, Turnham, Venable, Ward, Warren, Whatley, Wyatt and Zoghby.

—59

Nays: Reps.: Barton and Holley.

—2

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Ray offered the motion to reconsider the vote by which the bill, H. 946, was passed, and the motion to reconsider was adopted.

And the bill:

H. 946. To levy a finance charge or a tax of five cents per acre to be assessed against lands located in Barbour County, Alabama, which are used for timber growing purposes, to provide protection against forest fires within Barbour County; and prescribing the procedure for the collection of such assessments.

Was again taken up.

SUBSTITUTE OFFERED

Rep. Ray offered the following substitute to the bill, H. 946:

A BILL TO BE ENTITLED AN ACT

To levy a finance charge or a tax of five cents per acre to be assessed against lands located in Barbour County, Alabama, which are used for

timber growing purposes, to provide protection against forest fires within Barbour County; prescribing the procedure for the collection of such assessments; prescribing authority and responsibility of the Barbour County Tax Collector and County Treasurer therefor; and prescribing an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) There is hereby levied and assessed a finance charge or tax of five cents per acre to be paid by the owners of forest lands located in Barbour County, Alabama, for the use of land for timber growing purposes.

(b) "Forest lands" as used in this Act, shall mean any land which supports a forest growth, or which under prevailing natural and economic conditions may be expected to support a growth in the future, or which is being used or reserved for any forest purpose. "Forest lands" as used in this Act, shall not include any lands primarily used for residential purposes nor shall it include any publicly owned lands.

Section 2. The finance charge or tax fixed as provided in Section 1 shall be payable at the same time and in the same manner as county taxes, and the owners of the "forest lands," as herein defined, shall make report of the same to the Tax Assessor of Barbour County, Alabama, at the time fixed by law for making return of the property of such property owned. Financial charges or taxes levied shall constitute a lien on the property against which they are charged or taxed in case of default in the payment of such financial charge or tax.

Section 3. The county governing body of Barbour County is authorized to appoint agents and delegate authority to individuals to search out forest lands in Barbour County, to determine the area and owners thereof, and report the same to the Tax Assessor of Barbour County who shall be authorized, after notice by certified mail to such owners, and hearing before the county governing body is requested by such owners, to place said financial charge or tax against the said forest land as may be determined by the report of such agents or the determination of said county governing body. It shall be the responsibility of the Tax Assessor of Barbour County to establish such rules and regulations as are necessary to administer the provisions of this Act.

Section 4. The tax herein imposed shall be due and payable to the tax collector of Barbour County, and shall, when collected, be paid to the Treasurer of Barbour County. All monies collected in accordance with this Act shall be spent in participating in the Alabama Forestry Commission's forest fire protection program in Barbour County.

Section 5. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective October 1, 1981, following its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Carter, Cheatwood, Crow, Escott, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Howard, Kennedy, Langford, Letson, McKee, McMillan, Minus, Naramore, Olive, Owens, Parker, Patton, Ray, Roberts, Seibels, Smith (C), Turner, Venable, Ward and Wyatt.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 946. To levy a finance charge or a tax of five cents per acre to be assessed against lands located in Barbour County, Alabama, which are used for timber growing purposes, to provide protection against forest fires within Barbour County; prescribing the procedure for the collection of such assessments; prescribing authority and responsibility of the Barbour County Tax Collector and County Treasurer therefor; and prescribing an effective date.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Cosby, Crow, Dixon, Drinkard, Escott, Ford, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Howard, Kennedy, Langford, Letson, McKee, McMillan, Manley, Minus, Naramore, Olive, Owens, Payne, Ray, Roberts, Sasser, Seibels, Starkey, Venable and Waggoner.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 156. To amend Section 11-43-4, Code of Alabama 1975, to provide that the clerk and other officers of a city or town elected by the council shall serve until their successor or successors are elected and qualified.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Bedsole, Bennett, Biddle, Blake, Brakefield, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Howard, Johnson (R. G.), Kennedy, Langford, Letson, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Ray, Riddick, Roberts, Sasser, Seibels, Smith (C), Turner, Venable, Waggoner, Warren and Zoghby.

—56

RESOLUTION

The following resolution was introduced:

By Reps. Stewart, Bedsole, Harper (T), Kennedy, Parker, Zoghby, McMillan, Penry, Manley, Sandusky, Warren, Cates, Clark (W) and Buskey:

H. J. R. 302. RECOGNIZING THE IMPORTANCE OF THE PORT OF MOBILE CUSTOMS OFFICE TO THE ECONOMIC HEALTH OF THE ALABAMA ECONOMY AND URGING THAT THIS GREAT SERVICE PROVIDED BY THE MOBILE CUSTOMS OFFICE BE CONTINUED AND NOT BE INCLUDED IN THE CUTS PLANNED BY THE PRESIDENT AND CONGRESS.

WHEREAS, the Port of Mobile is currently ranked ninth among the ports of the United States, and after the completion of the Tenn-Tom Waterway, the Port of Mobile will move to rival New Orleans for the Number One spot on the Gulf Coast; and

WHEREAS, the closing of the **Mobile Customs Office** will handicap the Port of Mobile as well as all of the Tenn-Tom Waterway because of this lost capability; and

WHEREAS, the Port of Mobile is the only port where the Customs Office has been considered for closing that will be the Gateway Port for a whole new waterway system, the Tenn-Tom Waterway which is scheduled for completion in 1986; and

WHEREAS, the opening of this new waterway is predicted to bring an additional 16.4 million tons of cargo into the Port of Mobile when it is opened; and

WHEREAS, the Port of Mobile is going to be on a new waterway involving 16,000 miles of inland navigable waters; and

WHEREAS, the Alabama State Docks is investing \$100 million into improvements to its facilities in order to handle the additional cargo which will come to the Port of Mobile as a result of the Tenn-Tom Waterway; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the President and Congress are hereby earnestly requested to take into consideration all of the many factors involved, to reconsider any planned closing of the Customs Office of the Port of Mobile and to allow this very important agency to continue to carry on its vital function for the people of Alabama and the United States.

REGULAR SESSION
23rd Day

1623

On motion of Rep. Stewart, the rules were suspended and the resolution, H. J. R. 302, was adopted.

MOTION TO ADJOURN LOST

The motion offered by Rep. Escott that the House adjourn until 1:00 o'clock p.m., Tuesday, April 28, 1981, was lost.

Yeas 21; Nays 43.

Yeas:

Reps.: Barton, Brakefield, Buskey, Cheatwood, Clark (W), Crow, Escott, Harper (O), Harrison, Holmes, Howard, Kennedy, Langford, Olive, Parker, Penry, Smith (J), Tucker, Turner, Willis and Wyatt.

—21

Nays:

Reps.: Adams (C), Adams (H), Albright, Amari, Bedsole, Bennett, Biddle, Cabaniss, Carter, Cates, Clark, Coburn, Cooley, Cosby, Dixon, Edwards, Gafford, Greer, Grouby, Hall, Hammett, Harper (T), Kelley, Letson, Lewis, McKee, McMillan, Minus, Naramore, Owens, Patton, Payne, Pegues, Ray, Roberts, Sandusky, Smith (C), Smith (M), Starkey, Stewart, Venable, Waggoner and Zoghby.

—43

SPECIAL ORDER RESUMED

On motion of Rep. Clark (G), the bill, S. 292, was substituted for the bill, H. 418.

Yeas 39; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Biddle, Blake, Cabaniss, Carter, Cooley, Gafford, Gilmer, Hammett, Harper (O), Johnson (R. G.), Laird, Letson, McKee, McMillan, Minus, Naramore, Owens, Parker, Payne, Pegues, Penry, Ray, Roberts, Smith (C), Smith (J), Starkey, Stewart, Venable, Ward, Warren, Williams, Wyatt and Zoghby.

—39

Nay: Rep. Harrison.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 292. To amend Section 27-15-11, Code of Alabama, 1975, which relates to the reinstatement of lapsed life insurance policies, so as to make the maximum interest rate on amounts of overdue premiums and other indebtedness to the insurer, payable upon reinstatement, the same as the interest rate on policy loans as specified in the policy in accordance with Section 27-15-8, Code of Alabama, 1975.

Was read a third time at length and passed.

Yeas 49; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Cabaniss, Carter, Cates, Clark (G), Cooley, Cosby, Edwards, Gafford, Hall, Hammett, Harper (O), Holmes, Johnson (R. G.), Kennedy, Laird, Letson, Lewis, McKee, McMillan, Minus, Moore, Naramore, Parker, Patton, Pegues, Ray, Roberts, Seibels, Smith (C), Smith (J), Starkey, Stewart, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

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Nays: Reps.: Escott and Harrison.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1005. Relating to Macon County; providing for a travel allowance for members of the county board of education.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 25; Nays 0.

Yeas:

Mr. Speaker, Barton, Blake, Brakefield, Cabaniss, Carothers, Cates, Crow, Edwards, Gilmer, Hammett, Harper (O), Letson, McMillan, Naramore, Owens, Pegues, Penry, Ray, Roberts, Seibels, Smith (M), Stewart, Warren and Willis.

—25

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTION

The following resolution was introduced:

By Reps. Biddle, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson,

Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. R. 303. ACKNOWLEDGING THE GRATITUDE OF THE HOUSE OF REPRESENTATIVES TO THE SECRETARIES ON THE HOUSE STAFF.

WHEREAS, we in the Alabama House of Representatives are deeply aware of our indebtedness to the secretaries and clerks on Mr. John Pemberton's staff for the tremendous responsibilities they assume on our behalf; and

WHEREAS, regrettably, we seldom take the time to adequately express to them the gratitude we feel for the many and efficient services they render for us, as a body, and individually, as well; and

WHEREAS, during National Professional Secretaries Week, it is most particularly fitting that we convey to them acknowledgement of their accomplishments and of their great service not only to us, but to the entire State of Alabama, service they continue to render even in the absence of appropriate recognition; now therefore,

BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That we hereby express our wholehearted appreciation to the clerical staff of the House without whose efforts our jobs would be much more difficult and also less effective.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to all members of the House staff that they may know of our gratitude and of the indebtedness we feel not only during National Professional Secretaries Week but at all times.

On motion of Rep. Biddle, the rules were suspended and the resolution, H. R. 303 was adopted.

SPECIAL ORDER RESUMED

And the bill:

H. 418. To amend Section 27-15-11, Code of Alabama, 1975, which relates to the reinstatement of lapsed life insurance policies, so as to make the maximum interest rate on amounts of overdue premiums and other in indebtedness to the insurer, payable upon reinstatement, the same as the interest rate on policy loans as specified in the policy in accordance with Section 27-15-8, Code of Alabama, 1975.

Was taken up.

H. 418 INDEFINITELY POSTPONED

On motion of Rep. Clark (G), the bill, H. 418, was indefinitely postponed.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Bills hereinafter mentioned delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 4:20 P.M. On April 23, 1981:

H. 217.
H. 421.
H. 512.
H. 765.
H. 798.
H. 799.
H. 819.
H. 864.
H. 865.
H. 866.
H. 896.
H. 901.
H. 897.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Harrison and pursuant to the resolution, H. R. 290 heretofore adopted, the House adjourned until 1:00 o'clock p.m., Tuesday, April 28, 1981.

Yeas 45; Nays 28.

Yeas:

Mr. Speaker, Adams (H), Barton, Blake, Brakefield, Buskey, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Dial, Drinkard, Escott, Ford, Grimsley, Hammett, Harper (O), Harrison, Harvey, Holley, Howard, Johnson (R. G.), Kennedy, Laird, Manley, Minus, Olive, Owens, Parker, Pegues, Penry, Rains, Sasser, Shoemaker, Smith (J), Stewart, Stout, Tucker, Turner, Warren, Williams and Willis.

—45

Nays:

Reps.: Adams (C), Albright, Amari, Bedsole, Bennett, Cabaniss, Carothers, Daniels, Dixon, Grouby, Harper (T), Holmes, Kelley, Letson, Lewis, McKee, McMillan, Naramore, Payne, Roberts, Sandusky, Seibels, Smith (M), Starkey, Venable, Waggoner, Whatley and Wyatt.

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TWENTY-FOURTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, April 28, 1981

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Mr. Wiley Salter, former member of the House of Representatives, from Evergreen, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-third legislative day and finds the same to be correct.

JACK BIDDLE,
Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the twenty-third legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-third legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Manley, leave of absence was granted for Rep. Hines, due to illness.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 742. To provide labeling requirements and marketing procedures for products containing honey; and to provide penalties for violation.

Also:

H. 383. To amend Section 40-9-19 of the Code of Alabama 1975, as amended by Act 80-731 of the 1980 Regular Session of the Alabama Legislature relating to homestead exemptions for ad valorem tax purposes for persons 65 years of age or older and disabled or blind so as to prescribe further the amount of exemption.

Also:

H. 47. Relating further to health and accident insurance policies issued within this state; to provide further for the consideration of claims by the company issuing said policies and to provide that the insurance company shall pay interest on the unpaid amount of any such claims after a certain period of time from receipt of proof of loss.

Also:

H. 657. To amend Section 34-9-7, Section 34-9-9, Section 34-9-18, Section 34-9-19, Section 34-9-20, Section 34-9-42 and Section 34-9-43, Code of Alabama 1975, relating to the practice and teaching of dentistry and providing for the licensing and regulation of persons engaged in the practice and teaching of dentistry, dental hygiene, or the operation of dental laboratories; providing further for the operation of the State Board of Dental Examiners; and to provide penalties for certain violations.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 289. RECOGNIZING MR. J. E. BEARDEN FOR OUTSTANDING COMMUNITY SERVICE.

Also:

H. J. R. 293. DECLARING THE WEEK OF MAY 31 - JUNE 6, 1981, ALABAMA POULTRY WEEK.

Also:

H. J. R. 296. COMMENDING MR. TOMMY GOFF ON HIS 25 YEARS OF SERVICE AS THE DIRECTOR OF MUSIC AT AUBURN HIGH SCHOOL.

Also:

H. J. R. 299. EXPRESSING GRATITUDE TO MR. ROY CLARK FOR HIS DEDICATION TO THE CAUSE OF THE ALABAMA SPECIAL OLYMPICS.

McDOWELL LEE,
Secretary.

RESOLUTION

The following resolution was introduced:

By Rep. Manley:

H. R. 304. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn today, April 28, 1981, we adjourn to meet again on Wednesday, April 29, 1981, at 2:00 P. M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 304, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Biddle, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

S. J. R. 108. CITING WILLIE JONES OF EUFAULA, ALABAMA, FOR EXTRAORDINARY BRAVERY.

On motion of Rep. Biddle, the resolution, S. J. R. 108, was adopted.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 305. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special and paramount order of business April 28, 1981, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

By Mr. White:

S. 132. p. 127 Real Estate Commission

By Rep. Pegues:

H. 324. p. 55 Postsecondary Education Commission

By Mr. Martin:

S. 428. p. 129 Construction, Interstates

By Mr. McDonald:

S. 549. p. 115 Cotton and cotton products promotion

By Rep. Bedsole:

H. 392. p. 22 Standardized decals

By Mr. St. John:

S. 550. p. 132 University of Ala., 70 years of age or older

By Rep. Bedsole:

H. 515. p. 53 Nuclear medicine waste

By Rep. Cosby:

H. 758. p. 76 Aircraft, exemption from sales taxation

By Rep. McKee:

H. 652. p. 75 State merit system, classification

By Rep. Whatley:

H. 593. p. 77 Site Preparation Grant Bill

By Mr. Goodwin:

S. 317. p. 108 Municipal Option Bill

By Rep. Waggoner:

H. 361. p. 40 Ala. Aviation Hall of Fame

By Rep. Payne:

H. 387. p. 23 Hazing in colleges

By Rep. Sasser:

H. 640. p. 74 Warrants

By Rep. Dial:

H. 391. p. 41 Reflective markers

By Rep. Harper (T):

H. 230. p. 18 Pedestrians on roadways

By Rep. Kelley:

H. 74. p. 14 Additional fee, criminal and civil cases

By Rep. Kelley:

H. 75. p. 13 Indigent defendants

By Rep. Clark (G):

H. 961. p. 124 Tombigbee Valley Dev. Authority

By Rep. Clark (G):

H. 962. p. 124 Tombigbee Valley Dev. Authority

By Rep. Manley:

H. 85. p. 13 Judgements

By Rep. Cates:

H. 781. p. 92 Bonds, interest rates

By Rep. Cates:

H. 321. p. 19 Bank reserves

By Rep. Smith (J):

H. 393. p. 51 Mode of execution

By Mr. McDonald:

S. 113. p. 142 Line item transfers

By Rep. Gafford:

H. 286. p. 2 PAC

By Rep. Campbell:

H. 835. p. 93 Self-service facilities

By Mr. Little:

S. 95. p. 80 Employee suggestion award program

By Rep. McKee:

H. 364. p. 45 Judicial Compensation Commission

By Rep. McKee:

H. 365. p. 45 C/A, Judicial Compensation Commission

By Rep. Edwards:

H. 787. p. 118 Franchises, TV

By Rep. Whatley:

H. 689. p. 63 Utilities, closing of offices

By Rep. McMillan:

H. 602. p. 139 Historic Blakeley Authority

By Rep. Bedsole:

H. 254. p. 16 Hospitals

By Rep. Dixon:

H. 747. p. 70 Solid waste facilities

By Rep. Letson:

H. 350. p. 86 Civil actions, \$500 to \$1,000

By Rep. Payne:

H. 61. p. 18 Motorcyclists

By Rep. Campbell:

H. 353. p. 21 Abandoned motor vehicles

On motion of Rep. Biddle, the resolutions, H. R. 305, was adopted.

BILLS ON SECOND READING

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1040. To create a State Department of Pardon, Parole and Probation Services; to provide for the establishment and functioning of such Department; to provide for a Director of such Department; to provide for the adoption of uniform policies, rules, regulations and for the orderly administration of the Department; to provide for the duties of parole and probation officers; to provide for the administration and collection of contributions from employed parolees and probationers; to authorize the collection of room and board from parolees in community residential facilities; to prescribe the duties of the Department with regard to victim restitution payments; to create Commissions of Pardons, Paroles and Probations for each judicial circuit and to provide for the appointment, terms and qualifications of members; to provide for the compensation of Commission members; to provide for meetings, officers and quorum of Commissions; to provide for notice to be given prior to certain Commission action; to authorize and limit the granting of pardons and paroles, the remission of fines and forfeitures and the restoration of civil and political rights by the Commission; to provide for the compilation of a complete investigative report on each case while the case is still recent; to set forth the duties of Commissions with regard to investigations of prisoners with a view of feasibility of parole and to require the cooperation of the department of corrections; to provide for temporary leave from prison and to provide for records of such leave to be reported to the Commissions; to provide for the determination of parole by the Commissions and for the publication of an annual report by the Commissions; to provide further for limitations on the granting of paroles; to provide that conditions of parole shall be provided to the parolee in writing and to provide for arrest upon violation of parole; to limit the terms of discharge from parole; to provide for the retaking of a parolee under certain conditions; to provide a procedure for revocation of parole; to define further duties of parole and probation officers with respect to any court; to provide for the restoration of voting rights; to provide that duties imposed upon Commissions are mandatory; to provide that knowing or willful neglect or failure of duty by a Commission member shall be a Class C felony; to provide that actions of Commissions contrary to this Act shall be null and void; to create and establish an Advisory Committee to the Department; to provide for the making of rules and regulations; to validate the Interstate Compact; to validate action of the Board of Pardons and Paroles taken prior to effective date of Act subject to subsequent review by Commissions; to transfer all assets, liabilities, contractual rights, obligations, property rights, real and personal, appropriations and funds to the Department; to provide for severability of provisions of this Act; to repeal laws relating to the Board of Pardons and Paroles, thus abolishing the Board of Pardons and Paroles; and, to provide for an effective date of this Act.

H. 1022. To provide that state employees' existing benefits and certain future benefits shall not be affected by any employees' reclassification plan.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1035. Relating to advertising by grocery stores, food retailers or soft drink bottlers, so as to permit certain contests where consideration is not mandatory for the participant.

S. 591. To provide that legislative personnel shall receive all salary increases provided for state employees listed in the classified and unclassified service of the State of Alabama.

Rep. Whately, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 981. To amend Sections 2-8-161, 2-8-170 and 2-8-171, Code of Alabama 1975, relating to the promotion of eggs and egg products, so as to require sellers of hens to collect and remit an assessment upon the sale of hens; to provide penalties to be imposed against sellers for failure or refusal to collect and remit assessments and to have their books examined; to provide for the issuance of permits to sellers of hens.

H. 982. To amend Section 2-8-159, Code of Alabama 1975, relating to a referendum held by egg producers assessing monies to be used for poultry promotion; to limit the amount of assessment to not more than 2 1/2¢ per hen.

H. 983. To propose an amendment to the Constitution of Alabama 1901; to amend Constitutional Amendment No. 214 relating to the promotion of poultry and poultry products, allowing the legislature by general law to provide for assessment of levies, financing, collection, distribution and expenditure of funds by a designated non-profit association; to provide that no assessment levied shall exceed 2 1/2¢ per hen, or other domesticated fowl or other classes of poultry.

The above bill was read a second time at length as required by the Constitution.

Rep. Gilmer, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 517. To define motorized bicycles, to prescribe the licensing procedure and allocation of license fees, to apply certain rules of the road and safety requirements and to require no insurance for the operation of such motorized bicycles.

Rep. Gilmer, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 954. (With Amendment): Relating to the rules of the road; prescribing a certain fine for certain speeding violations on interstate highways and prohibiting such violations from being recorded on driving records.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 821. Relating to Talladega County; amending Section 4 of Act No. 79-609, H. 947, 1979 Regular Session (Acts 1979, p. 1077), levying a license or privilege tax on malt or brewed beverages, so as to provide further for the distribution of the proceeds from such tax.

H. 975. Relating to Chambers County; to provide for an expense allowance for the members of the county commission.

H. 1008. To alter, re-arrange and extend the boundaries and corporate limits of the CITY OF MONTEVALLO, ALABAMA, so as to incorporate certain territory as described herein.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read second time and placed on the calendar, to-wit:

H. 1025. (With Amendment): Relating to Lawrence County; to provide further for the compensation of the county superintendent of education, effective July 1, 1981 upon the expiration of the present term of office.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1026. Relating to Lawrence County; to provide the tax assessor and tax collector an expense allowance which will be in effect from October 1, 1981 until the expiration of their present terms of office; and to provide for additional compensation for such officer effective upon the expiration of the present terms of office.

H. 1027. Relating to Lawrence County; authorizing the county commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and prescribing the procedure for levying and collecting such assessments.

H. 1028. Relating to Lawrence County; to provide for the distribution of Lawrence County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes.

H. 1032. Relating to Hale County; to give the county commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, schools, individual or non-profit associations or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or the sale of materials under the provisions of this Act.

H. 1042. To amend Section 11-50-313, Code of Alabama 1975, which provides for the boards of directors for the operation of water, sewer, gas and electric systems, so as to provide further for the salaries of said board members and to provide for its retroactive effect.

Rep. Wyatt, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 879. To amend further Section 6 of Act No. 833 of the Legislature of Alabama 1969, as amended, by which the retirement system for employees of Montgomery County was established, so as to provide further for eligibility requirements for retirement benefits under such system.

Rep. Wyatt, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment and it was read a second time and placed on the Calendar, to-wit:

H. 960. (With Amendment): Relating to Montgomery County; to provide further for the expense allowances of certain county officers.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 939. Relating to Walker County; granting the county governing body certain powers and authority in regard to constructing and maintaining roads and driveways leading to churches, and church-owned cemeteries.

H. 940. To levy a finance charge or a tax of ten cents per acre to be assessed against lands located in Walker County, Alabama, which are used for timber growing purposes, to provide protection against forest fires within Walker County; and prescribing the procedure for the collection of such assessments.

H. 941. TO AMEND SECTION 1 of Act No. 746 S. 532, 1975 Regular Session, approved the 6th day of October, 1975 (Acts 1975, p. 1513, as amended) fixing the fee for the issuance of a pistol permit by the Sheriff of Walker County, Alabama.

H. 1033. Relating to Baldwin County; to provide for payment of a portion of the proceeds derived from the sale of property confiscated for violation of the controlled substances act to the sheriff's department.

H. 1038. To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Elmore County and to provide for the use of such fees.

S. 461. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Boles, Cheatwood, Olive and Trammell:

H. R. 306. CONCERNING THE BIRMINGHAM/JEFFERSON TRANSIT SYSTEM.

WHEREAS, the lack of a Birmingham/Jefferson Transit System remains a real concern to some areas of the county and particularly to the City of Birmingham; and

WHEREAS, it should be recognized that a transit system effects certain areas of the county and most of the county as a whole; and

WHEREAS, the areas affected should seek to find solutions to solve their problem; and

WHEREAS, it is neither the concern of the outlying cities, such as Adger or Cardiff, to provide transit service in downtown Birmingham or to Mountain Brook for maids who live in downtown Birmingham; and

WHEREAS, the residents of Maytown or West Jefferson are not sympathetic to a downtown merchant when it is said that business is off forty percent because of no transit service, it is illogical that eight thousand people can have this impact on sales in the downtown area; and

WHEREAS, it is not likely that the Jefferson County delegation will pass legislation correcting the transit problem during this current Session; and

WHEREAS, eight of the municipalities in the county have seen need in the past to participate in the operation of the transit system; and

WHEREAS, the municipalities now have the authority and responsibility to impose taxes or charges needed to operate their governmental identities; and

WHEREAS, the county governing body has a mechanism to provide its share of an operating system through ad-valorem monies; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That the Jefferson House Delegation is hereby asking that the previous municipalities using the transit system should through the mayor and council make a study and an analysis of their minimum needs and cost for a transit operation and take the necessary procedure toward making their needs operable.

BE IT FURTHER RESOLVED, That the Jefferson House Delegation is asking that the study of these needs should include individual municipal transit systems as well as collectively operated systems; and the City of Birmingham should lead the way in solving the transit problem.

BE IT STILL FURTHER RESOLVED, That if the surveys on all of the municipalities are successful in restarting their transit systems, that they will take necessary action to implement a proper managerial technique for a sound, properly managed system that will continue to furnish them needed information concerning the operation.

BE IF FURTHER RESOLVED, That the Clerk of the House be instructed to send copies of this resolution to the Mayors of the cities of Birmingham, Mountain Brook, Bessemer, Irondale, Tarrant, Fairfield, Brighton, and Homewood.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Boles offered the motion to suspend the rules and adopt the resolution, H. R. 306.

DIVISION OF THE QUESTION

Rep. Tucker called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES AND ADOPT LOST

The question was then on the motion offered by Rep. Boles to suspend the rules in order to take up for immediate consideration the resolution, H. R. 306, and the motion was lost.

Yeas 6; Nays 12.

Yeas:

Reps. Boles, Cheatwood, Moore, Olive, Payne and Trammell.

Nays:

Reps. Bennett, Cabaniss, Escott, Harrison, Horn, Howard, Jackson, Lewis, Rains, Seibels, Tucker and Waggoner.

—12

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The Resolution, H. R. 306, was read and referred to the Standing Committee on Rules.

Also:

By Reps. Wyatt, Warren and McKee:

H. J. R. 307. COMMENDING MR. FRANK J. SEGO, PROMINENT MONTGOMERY CIVIC LEADER AND MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL EXCHANGE CLUB.

WHEREAS, it is with utmost pride and pleasure that the Legislature of Alabama extends commendatory congratulations to Mr. Frank J. Sego of Montgomery, Alabama, on his election to the Board of Directors of the National Exchange Club; and

WHEREAS, Mr. Sego joined the Montgomery Exchange Club in 1966, to immediately become deeply and enthusiastically involved in service to others through active support of the programs and projects of Exchange; and

WHEREAS, consistent in leadership, he has served as President and member of the Board of Control of his Montgomery club, as Alabama District Director and as President-Elect and President of the Alabama District; Mr. Sego has been District Crime Prevention chairman and has served as a member of the National Committee on Nominations and on the National Resolutions Committee as well; and

WHEREAS, Frank Sego has been honored by Exchange as Most Outstanding Exchangite of the Montgomery Club, as the Alabama District's Most Outstanding Exchange Club Member, outstanding Alabama District Director and as National Exchange Club Outstanding District Director; and

WHEREAS, Mr. Sego, a former Executive Vice President of Montgomery's Downtown Unlimited, has extended his activities to include participation in numerous of the civic, cultural and charitable affairs of his community; he currently serves on the Board of Directors of Saint James School and he and his family are members of the First United Methodist Church of Montgomery; and

WHEREAS, Frank Sego is a close friend and associate of many members of the Legislature who have had occasion to work with him in his capacity as Public Information Coordinator for the Alabama Forestry Commission; his work with the Commission has been marked with excellence and his service, both to the Commission and to the entire State of Alabama, is extraordinary in dedication and in loyalty; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Frank J. Sego on his election to the Board of Directors of the National Exchange Club and express our sincere gratitude for his dedicated service to his community and to the entire State of Alabama.

BE IT FURTHER RESOLVED, That Mr. Sego receive a copy of this resolution, tendered in praise and in expression of our warm personal regards for an outstanding Alabamian.

On motion of Rep. Wyatt, the rules were suspended and the resolution, H. J. R. 307, was adopted.

Also:

By Reps. Dixon, Turnham, Manley, Holmes, McCorquodale, Barton, Bowling, Brakefield, Cates, Cheatwood, Cosby, Daniels, Edwards, Gilmer, Hall, Harvey, Howard, McKee, McMillan, Mitchell, Olive, Parker, Payne, Penry, Rains, Riddick, Shavers, Smith (C), Waggoner and Warren:

H. J. R. 308. DESIGNATING APRIL 26, 1981, AS VIETNAM VETERANS RECOGNITION DAY.

WHEREAS, the Congress of the United States has passed Joint Resolution 182; and

WHEREAS, this resolution designates April 26, 1981, as Vietnam Veterans Recognition Day; and

WHEREAS, the American Legion of Alabama joins in urging all veterans groups to observe this day in honor of Vietnam Veterans; and

WHEREAS, Alabamians have always shown their patriotism by supporting our nation's veterans; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That April 26, 1981, be designated "Vietnam Veterans Recognition Day" in Alabama.

BE IT FURTHER RESOLVED, That all citizens join in recognizing the sacrifices made by these veterans through their service to their country.

RESOLVED FURTHER, That copies of this resolution be sent to Mr. S. Rex Luna with the American Legion in Huntsville and Mr. James V. Merlini to show our gratitude and deep appreciation for their service to the nation and to Alabama.

On motion of Rep. Dixon, the rules were suspended and the resolution, H. J. R. 308, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Minus (With Notice and Proof):

H. 1044. Relating to Choctaw County; to provide for an additional expense allowance for the poll workers of said county.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1044, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Cheatwood, Boles and Trammell (With Notice and Proof):

H. 1045. Relating to Jefferson County; to provide for a sewage authority; to provide for the membership, compensation, funding and meetings of said authority; and to provide for office space, equipment, employees and clerical help.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1045, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Ray, Grimsley, Sasser and Whatley:

H. 1046. Proposing an amendment to the Constitution of Alabama relating to the abolition of the offices of Tax Assessor and Tax Collector in Barbour County and for the consolidation of the duties of said offices into a new office; and validating any acts of the Legislature enacted prior to the adoption of this amendment relating to such subject.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Reps. Ray, Grimsley, Sasser and Whatley (With Notice and Proof):

H. 1047. To alter, rearrange, and extend the boundary lines and corporate limits of the Town of Clio, Barbour County, Alabama.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1047, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Ray, Grimsley, Sasser and Whatley (With Notice and Proof):

H. 1048. To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Barbour County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1048, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Ray, Grimsley, Sasser, and Whatley (With Notice and Proof):

H. 1049. To relate to Barbour County; to provide for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, and repealing conflicting laws.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1049, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Ray, Grimsley, Sasser and Whatley (With Notice and Proof):

H. 1050. To authorize the Barbour County Commission to provide clerical employees to work in the office of the Tax Assessor or Tax Collector.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1050, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Sasser, Ray, Whatley and Grimsley (With Notice and Proof):

H. 1051. Relating to Barbour County; to regulate further the compensation of the board of registrars of the county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1051, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Ward, Whatley and Turnham (With Notice and Proof):

H. 1052. Relating to Lee County; providing further for levying additional court costs, and the collection and distribution of such court costs, on the service of all court papers or documents arising out of civil or quasi-civil actions; and providing for the distribution of the revenue thereby generated.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1052, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Ward, Whatley and Turnham (With Notice and Proof):

H. 1053. Relating to Lee County; providing further for additional levy of court costs and the collection and distribution of such court costs, on the service of certain court papers or documents arising out of any civil or criminal action, instituted outside the state of Alabama, whether at law or equity; and prescribing that all revenue thereby generated shall be deposited into the Lee County general fund.

Local Legislation No. 1.

REGULAR SESSION
24th Day

1641

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1053, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Whatley (With Notice and Proof):

H. 1054. Relating to Lee County; to authorize the county commission to levy and collect certain taxes and fees, and to provide for the disposition of any proceeds from such taxes and fees.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1054, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Pegues (With Notice and Proof):

H. 1055. Relating to Perry County; levying an additional privilege or license tax upon sellers, distributors or users of malt or brewed beverages; providing for the distribution of the proceeds of the tax; and providing for the termination of such tax.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1055, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Hines (With Notice and Proof):

H. 1056. Relating to Escambia County; creating a county jury commission; providing for the appointment of the members and clerks thereof, and for their qualifications, duties, compensation, and tenure and repealing Act No. 515, H. 1267, Regular Session 1976 (Acts 1976, p. 658).

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1056, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Gilmer (With Notice and Proof):

H. 1057. Relating to Lamar County; to amend Sections 1 and 2 of Act No. 80-518, H. 1051 of the 1980 Regular Session (Acts 1980, p. 798), so as to provide further for the compensation and expense allowances of certain members of the county commission.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1057, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Gilmer (With Notice and Proof):

H. 1058. Relating to Lamar County; providing certain compensation and expense allowances for the county superintendent of education.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1058, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Shavers (With Notice and Proof):

H. 1059. To empower and direct the County Commission in Jackson County to create a personnel system to govern all regular, full-time employees of the County; to establish the powers and duties of said County Commission in hiring, transferring, compensating, classifying, promoting, demoting, training, granting leaves, and establishing rules of general conduct for such County employees; to direct the County Commission to establish a grievance procedure for all regular, fulltime employees of the County; to empower and direct said County Commission to establish a Personnel Review Board; to provide for the terms, powers, duties, qualifications, and compensation of said Personnel Review Board.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1059, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Shavers (With Notice and Proof):

H. 1060. Relating to Jackson County; providing that the county commission may provide additional compensation for poll officials in an amount up to \$10 per day from the county general fund.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1060, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Shavers (With Notice and Proof):

H. 1061. To amend Section 1 of Act No. 80-538, H. 395, of the 1980 Regular Session of the Legislature (Acts 1980, p. 836), relating to the salary of the chairman of the Jackson County Commission so as to provide further for the salary of said chairman.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1061, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

REGULAR SESSION
24th Day

1643

By Reps. Grimsley, Carothers and Daniels (With Notice and Proof):

H. 1062. To alter or rearrange the boundary lines of the Town of Webb, Houston County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Houston County, Alabama.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1062, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Sandusky (With Notice and proof):

H. 1063. Relating to Mobile County, to provide that the Board of Registrars of Mobile County shall not register any person as a qualified elector within 15-days prior to any election.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1063, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Amari, Waggoner and Bennett (With Notice and Proof):

H. 1064. To further amend Section 8 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, establishing a pension system for employees and officers of Jefferson County, Alabama, as said Section 8 has been heretofore amended.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1064, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Moore (With Notice and Proof):

H. 1065. To amend Section 17-4-138, Code of Alabama 1975, so as to provide additional office space and clerical help for the board of registrars and to authorize the placement of voting machines in the board's offices.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1065, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Harvey (With Notice and Proof):

H. 1066. Relating to Blount County; providing further for additional levy of court costs and the collection and distribution of such court costs, on the service of certain court papers or documents arising out of any civil or

criminal action, instituted outside the state of Alabama, whether at law or equity; and prescribing that all revenue thereby generated shall be deposited into the "Sheriff's Department Fund" of the county general fund.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1066, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Harvey (With Notice and Proof):

H. 1067. Relating to Blount County; providing further for levying additional court costs, and the collection and distribution of such court costs, on the service of all court papers or documents arising out of civil or quasi-civil action at law or equity; and designating the authorized expenditure from the revenue thereby generated.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1067, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Harvey (With Notice and Proof):

H. 1068. Relating to Blount County; providing further for additional levy of court costs, and the collection and distribution of such court costs, in any case, upon conviction of a misdemeanor or felony; and designating the funds thereby generated for the maintenance and supervision of the county jail building.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1068, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Smith (J):

H. 1069. To amend Section 15-22-28 of Code of Alabama 1975 which relates to paroles for prisoners, so as to further restrict such paroles and to prescribe the minimum sentences to be served prior to eligibility for such paroles.

Judiciary.

By Rep. Hall (With Notice and Proof):

H. 1070. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of NEW HOPE IN MADISON COUNTY, ALABAMA.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1070, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Owens (With Notice and Proof):

H. 1071. To provide for a special recording fee of \$1.50, in addition to all existing recording fees and charges, for each certain documents hereafter filed for record in the office of the Judge of Probate of Bibb County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1071, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Owens (With Notice and Proof):

H. 1072. To amend Section 1 of Act No. 80-376, H. 938, 1980 Regular Session (Acts 1980, p. 497), dealing with the performance of work by county personnel on private property to provide explicitly that such work may include the opening and closing of graves.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1072, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Owens (With Notice and Proof):

H. 1073. Relating to Bibb County; to amend section 4 of Act No. 722, H. 1708, Regular Session 1973 (Acts 1973, p. 1079), relating to assessment of certain property for fire protection services, so as to provide an exemption for certain persons, and to provide for retroactive effect.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1073, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Owens (With Notice and Proof):

H. 1074. Relating to the Board of Registrars of Bibb County; providing further for additional compensation for members of such board, payable from the county general fund.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1074, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Roberts, Cooley, Letson and Patton (With Notice and Proof):

H. 1075. Relating to Morgan County; amending Act No. 190, H. 742, 1977 Regular Session (Acts 1977, p. 258), which provides that the county may make contributions to volunteer fire departments, so as to provide further for said contributions.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1075, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Carter (With Notice and Proof):

H. 1076. To repeal Act No. 409, S. 541 approved July 17, 1931, Regular Session 1931 (Acts 1931, p. 182), as amended, entitled "To provide for the quarterly publication by the court of County Commissioners, board of revenue or like governing body of Limestone County, Alabama, of an itemized account of all receipts and expenditures of said Limestone County, and to provide penalty for failure to observe this law."

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1076, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Adams (H) (With Notice and Proof):

H. 1077. To authorize the Cherokee County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1077, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Edwards and Grouby (With Notice and Proof):

H. 1078. To authorize the Lowndes County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1078, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Drinkard (With Notice and Proof):

H. 1079. To authorize the Etowah County governing body to levy and collect, in addition to all other taxes heretofore imposed by law, a county excise and privilege tax on every person severing coal within the county; to provide that the proceeds collected therefrom be deposited in the county general fund; to authorize the county governing body to inspect the books of each person severing coal and to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this Act; and to prescribe penalties for the violations of the provisions of this Act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1079, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Drinkard (With Notice and Proof):

H. 1080. Relating to Etowah County; prescribing that the county governing body may allow volunteer rescue squads, volunteer fire departments, certain retired senior citizen volunteer organizations, and certain other charitable foundations, agencies and organizations which perform a valuable public service, governmental in nature, (a) to buy gasoline and other motor fuels at the county cost and exempt from any motor fuel tax; and (b) to have repairs made on its equipment by the county at the county's cost; and declaring legislative intent therefor.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1080, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Buskey, Kennedy, Turner and Clark (W) (With Notice and Proof):

H. 1081. Relating to Mobile County; providing for the reapportionment of the board of school commissioners of Mobile County into five single-member districts from each of which one commissioner shall be elected by the electors of that district; and providing for the election and terms of office of the new commissioners.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1081, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turner (With Notice and Proof):

H. 1082. Relating to Washington County, to provide for an advisory referendum on the question of the method of electing county commissioners.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1082, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Greer:

H. 1083. To propose an amendment to the Alabama Constitution of 1901, to allow the county commission of Lauderdale County to combine the offices of tax assessor and tax collector of such county effective September 30, 1984.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Rep. Greer (With Notice and Proof):

H. 1084. Relating to Lauderdale County; to allow the county commission to combine the offices of tax assessor and tax collector of said county effective September 30, 1984.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1084, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Johnson (R. G.), Shoemaker, Dial and Moore (With Notice and Proof):

H. 1085. Relating to the Twenty-ninth Judicial Circuit; to authorize the district attorney to provide one clerk-secretary to serve the grand juries of said circuit and to prescribe the duties of such clerk-secretary.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1085, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Bedsole (With Notice and Proof):

H. 1086. To amend the Title and Section 1 of Act No. 155, H. 654, Regular Session 1969 (Acts 1969, p. 430) which provides that the Governing Body of any city or town in any county in the State of Alabama having a population in excess of 300,000 and less than 600,000 inhabitants may create the position of Assistant City Attorney on a full-time basis and may provide that any person holding such position in the municipal government shall be immediately placed upon the employment civil service or merit system roster of such county without examination or decrease in salary and that such position shall thereafter remain under the provisions of any such civil service or merit system, so that such municipal governing body may create one or more positions of Assistant City Attorney on a full-time basis and may provide that any person or persons filling such position or positions shall be

immediately placed upon such employment civil service or merit system roster without examination or decrease in salary and that such position shall thereafter remain under the provisions of any such civil service or merit system.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1086, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Owens (With Notice and Proof):

H. 1087. Relating to Tuscaloosa County; providing further for the compensation of certain county and city officers.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1087, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Owens (With Notice and Proof):

H. 1088. Relating to Tuscaloosa County; levying an additional privilege license tax on malt or brewed beverages; providing for the collection and distribution of the proceeds of such tax; and providing for the administration and enforcement of this act including fines for violations; repealing certain conflicting laws; and providing a retroactive effective date.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1088, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Edwards (With Notice and Proof):

H. 1089. Relating to Wilcox County; to provide for the further compensation of election officials.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1089, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Brakefield:

H. 1090. To amend Section 36-27-18, Code of Alabama 1975, relating to the number of years of creditable service required for retirement from the Employees' Retirement System, so as to provide for retirement after twenty-five years of service under certain conditions.

Ways and Means.

By Rep. Daniels (With Notice and Proof):

H. 1091. An Act relating to Geneva County; providing the County governing body may supplement the salary of the District Judge from the County General Fund up to Five Thousand Dollars (\$5,000.00) per annum.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1091, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Johnson (Roy) (With Notice and Proof):

H. 1092. Relating to Tuscaloosa County; amending Act No. 80-536, H. 73, 1980 Regular Session. (Acts 1980, p. 835), which provides overtime compensation for certain law enforcement officers, so as to provide further for said officers and to provide for its retroactive effect.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1092, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Parker (With Notice and Proof):

H. 1093. To alter, rearrange and add to the limits of the City of Saraland, in Mobile County, Alabama, and to alter and rearrange the limits of the City of Mobile in Mobile County, Alabama, by removing certain areas from the limits of the City of Mobile and adding same to the limits of the City of Saraland; to describe the area so removed from the City of Mobile and so added to the City of Saraland and to include the area not now incorporated in any city to be added to the City of Saraland.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1093, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Pegues:

H. 1094. To amend Section 41-9-252 of the Code of Alabama 1975 relating to historical commissions and the composition of certain historical advisory committee so as to change an incorrect reference to a congressional district.

Ways and Means.

By Rep. Harper (T) (With Notice and Proof):

H. 1095. To establish the norms for eligibility for seats on any municipal gas utility board as well as the right to bid on contracts with the board; to provide for one additional member to the municipal gas utility board.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1095, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Patton (With Notice and Proof):

H. 1096. Relating to Morgan County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1096, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Patton (With Notice and Proof):

H. 1097. Relating to Morgan County; to amend the Title and Section 1 of Act 80-422, 1980 Regular Session (Acts 1980, p. 584), so as to require the mailing address of the grantors and grantees of real property deeds.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1097, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Ray, Grimsley and Sasser (With Notice and Proof):

H. 1098. Relating to Barbour County; providing further for the election of the members of the county board of education; prescribing certain residential qualifications for said members and, providing for supplemental effect, and providing for its effective date.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1098, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turner:

H. 1099. To amend Section 17-4-153, Code of Alabama 1975, which relates to the compensation of members of the various boards of registrars, so as to provide further for such compensation.

Ways and Means.

By Rep. Greer (With Notice and Proof):

H. 1100. To extend, alter and rearrange the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1100, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Roberts and Patton (With Notice and Proof):

H. 1101. Relating to Morgan County; providing further for the expense allowances of the chairman and members of the county commission, payable from the county general fund; and providing further for such compensation.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1101, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Roberts and Patton (With Notice and Proof):

H. 1102. Relating to Morgan County; to provide a certain salary for the superintendent of education in said county which shall be in lieu of all other salaries and expense allowances heretofore provided by law for said superintendent.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1102, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Roberts and Patton (With Notice and Proof):

H. 1103. Relating to the 8th Judicial Circuit; providing an additional expense allowance for the circuit court clerk payable from the general fund of the county in such circuit.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1103, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Roberts and Patton (With Notice and Proof):

H. 1104. Relating to the 8th Judicial Circuit; to provide a salary increase to each court reporter; and to provide further for such compensation.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1104, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

REGULAR SESSION
24th Day

1653

By Reps. Patton and Roberts (With Notice and Proof):

H. 1105. Relating to Morgan County; providing further for the expense allowances and compensation of the revenue commissioner and license commissioner of the county, payable from the county general fund, so as to provide an additional expense allowance and providing further for such compensation.

• Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1105, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Patton and Roberts (With Notice and Proof):

H. 1106. Relating to Morgan County; providing further for an additional expense allowance, payable from the general fund of the county treasury, for the county coroner; and providing further for such compensation.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1106, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Patton and Roberts (With Notice and Proof):

H. 1107. Relating to Morgan County; further regulating the compensation of the Clerk of the jury commission for the county, payable from the county general fund.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1107, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Patton and Roberts (With Notice and Proof):

H. 1108. Relating to Morgan County; further regulating the compensation of the chairman of the county board of registrars, so as to provide further for such compensation.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1108, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Reed (With Notice and Proof):

H. 1109. Relating to Bullock County; to provide for an additional expense allowance for the Board of Registrars of said county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1109, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Reed (With Notice and Proof):

H. 1110. Relating to Bullock County; to give the county commission certain powers and authority in regard to performing road related services upon private property for a fee and selling road construction materials to churches, persons, firms or corporations; setting the conditions under which such work can be done and road construction materials sold; and establishing the procedure governing work on private property or sales of said materials to churches, individuals, firms or corporations.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1110, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Reed (With Notice and Proof):

H. 1111. Relating to Bullock County; providing further for the salary of the clerk employed in the sheriff's office.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1111, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Reed (With Notice and Proof):

H. 1112. Relating to Bullock County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail of any such county; and to provide penalties for violations.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1112, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Carothers and Shoemaker:

H. 1113. To amend Section 12 of Act Number 81-218 so as to enable the Medical Licensure Commission to exercise discretion as to whether or not a license should be reinstated and to authorize the Medical Licensure Commission to require the applicant to appear for an interview and present any information the Commission deems necessary for a consideration of the application for reinstatement.

Health.

By Rep. Reed (With Notice and Proof):

H. 1114. Relating to Bullock County; providing further for the salary of the clerk employed in the tax collector's office.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1114, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

RESOLUTIONS

The following resolutions were introduced:

By Rep. Minus:

H. J. R. 309. DESIGNATING H. B. 223 AS "THE CLARK-PARSONS CONSUMER PROTECTION LAW."

WHEREAS, State Representative George Clark and State Senator Mac Parsons have for years fought hard to bring about increased local support for consumer protection; and

WHEREAS, they have brought to the attention of both the legislative and executive branches of government the lack of regulatory laws in the area of protection of the consumer; and

WHEREAS, Alabama was the last state in the nation to pass a law on the aforementioned subject; and

WHEREAS, Representative Clark and Senator Parsons successfully passed H. B. 223 during the 1981 Regular Session, which regulates the area of consumer protection; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That H. B. 223 is hereby designated as "The Clark-Parsons Consumer Protection Law."

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Representative Clark and Senator Parsons with our deep appreciation for a job well done.

On motion of Rep. Minus, the rules were suspended and the resolution, H. J. R. 309, was adopted.

Also:

By Reps. Holmes, Langford, Wyatt and McKee:

H. J. R. 310. NAMING THE ADMINISTRATIVE BUILDING AT THE COUNCILL TRENHOLM STATE TECHNICAL COLLEGE, "LUCIOUS W. SMILEY HALL."

WHEREAS, Montgomery County native Lucious Wesley Smiley received his high school education at Alabama State University Laboratory High School and is a graduate of Alabama State University with a B. S. Degree in Science and Mathematics; he earned a Master's Degree in Education from Pennsylvania State University; and

WHEREAS, Mr. Smiley studied additionally on the post graduate level earning credits at Pennsylvania State University in Administration, Supervision and Technical Education, and also attended several army service schools including Officers' Candidate School in the Corps of Engineers at Fort Belvoir, Virginia; and

WHEREAS, During World War II, Mr. Smiley distinguished himself in service in the Pacific Theatre and was discharged as a Major, Corps of Engineers; he also served his country during the Korean Conflict and was discharged as a Lieutenant Colonel; and

WHEREAS, during his professional career, Mr. Smiley was a teacher of Science and Mathematics at Academy Street High School in Troy, Veterans Coordinator in Montgomery, Diversified Occupations Coordinator at Carver High School in Montgomery, Itinerant Teacher Trainer in Trade and Industrial Education at Alabama A & M University, and for eight years was Assistant State Supervisor of Trade and Industrial Education with the State Department of Education in Montgomery; and

WHEREAS, Mr. Smiley's numerous awards and honors include Life Membership in the American Vocational Association, presented by the Alabama Vocational Trade and Industrial Teachers Association, and a plaque for Outstanding Service by the Trade and Industrial Clubs of Alabama; and

WHEREAS, he was largely responsible for the planning and development of the H. Council Trenholm State Vocational Technical School and was appointed in 1965 as the director of said institution; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in gratitude for Mr. Smiley's long years of service in the field of education, most particularly in the Trade, Industrial and Vocational areas, we hereby name and designate the Administrative Building at the H. Council Trenholm State Vocational Technical School in Montgomery, Alabama, as "Lucious W. Smiley Hall."

BE IF FURTHER RESOLVED, That appropriate signs and markers shall be erected and maintained so designating said building as "Lucious W. Smiley Hall" and that a copy of this resolution shall be provided for appropriate display, evidencing this body's posthumous recognition of Lucious Wesley Smiley as one of our state's most prominent educators.

On motion of Rep. Holmes, the rules were suspended and the resolution, H. J. R. 310, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolutions, to-wit:

H. 47. Relating further to health and accident insurance policies issued within this state; to provide further for the consideration of claims by the company issuing said policies and to provide that the insurance company shall pay interest on the unpaid amount of any such claims after a certain period of time from receipt of proof of loss.

Also:

H. 383. To amend Section 40-9-19 of the Code of Alabama 1975, as amended by Act 80-731 of the 1980 Regular Session of the Alabama Legislature relating to homestead exemptions for ad valorem tax purposes for persons 65 years of age or older and disabled or blind so as to prescribe further the amount of exemption.

Also:

H. 657. To amend Section 34-9-7, Section 34-9-9, Section 34-9-18, Section 34-9-19, Section 34-9-20, Section 34-9-42 and Section 34-9-43, Code of Alabama 1975, relating to the practice and teaching of dentistry and providing for the licensing and regulation of persons engaged in the practice and teaching of dentistry, dental hygiene, or the operation of dental laboratories; providing further for the operation of the State Board of Dental Examiners; and to provide penalties for certain violations.

Also:

H. 742. To provide labeling requirements and marketing procedures for products containing honey; and to provide penalties for violation.

Also:

H. J. R. 289. RECOGNIZING MR. J. E. BEARDEN FOR OUTSTANDING COMMUNITY SERVICE.

Also:

H. J. R. 293. DECLARING THE WEEK OF MAY 31-JUNE 6, 1981, ALABAMA POULTRY WEEK.

Also:

H. J. R. 296. COMMENDING MR. TOMMY GOFF ON HIS 25 YEARS OF SERVICE AS THE DIRECTOR OF MUSIC AT AUBURN HIGH SCHOOL.

Also:

H. J. R. 299. EXPRESSING GRATITUDE TO MR. ROY CLARK FOR HIS DEDICATION TO THE CAUSE OF THE ALABAMA SPECIAL OLYMPICS.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and House Joint Resolutions, the titles of which are set out in the above and foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill and Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 150. EXTENDING BEST WISHES AND A FOND FAREWELL TO LOU ELLIOTT.

Also:

S. J. R. 151. COMMENDING THOSE INDIVIDUALS WHO RENDERED EXTRAORDINARY SERVICE IN CONNECTION WITH THE HURRICANE FREDERIC REFORESTATION PROJECT.

Also:

S. J. R. 154. DESIGNATING MAY 3 THROUGH 10, 1981, AS ALABAMA ALCOHOL AWARENESS-MARRIAGE AND FAMILY WEEK.

Also:

S. J. R. 156. MOURNING THE DEATH OF MISS ROSEMARY LACEY OF TUSCALOOSA, ALABAMA.

Also:

S. J. R. 158. COMMENDING SENATOR CHARLES W. BRITNELL ON HIS APPOINTMENT AS PRESIDENT OF NORTHWEST ALABAMA STATE JUNIOR COLLEGE, PHIL CAMPBELL, ALABAMA.

Also:

S. J. R. 161. COMMENDING OUR STATE EMPLOYEES FOR THEIR CONTINUING DEDICATED SERVICE TO STATE GOVERNMENT.

Also:

S. 195. To amend Section 32-9-21, Code of Alabama, 1975, which provides for a maximum permissible length for any motor bus driven or operated upon Alabama highways so as to further provide for a maximum permissible width for any such motor bus and to repeal all laws in conflict therewith.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Roberts:

H. J. R. 311. PROPOSING THE ESTABLISHMENT OF A SISTER STATE RELATIONSHIP BETWEEN THE PROVINCE OF TAIWAN, THE REPUBLIC OF CHINA, AND THE STATE OF ALABAMA, UNITED STATES OF AMERICA.

WHEREAS, the encouragement and promotion of trade among various nations is essential to effective global economic development; and

WHEREAS, international trade encourage the exchange of ideas as well as knowledge and experience among nations; and

WHEREAS, increased trade helps make better use of resources and nurtures trust among the world's nations; and

WHEREAS, the Republic of China had been and continues to be one of the most faithful allies of the United States; and

WHEREAS, Taiwan, the Republic of China, is a province with which increased trade relations would encourage and promote economic development in Alabama; and

WHEREAS, a strong commercial ties now exist between the citizens of Taiwan and the citizens of Alabama; and

WHEREAS, a Sister State relationship between Taiwan and Alabama is in the best interest of a cooperative spirit between the two states involved. Therefore,

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF ALABAMA:

SECTION I. The General Assembly, on behalf of the people of Alabama, extends to the people of Taiwan through the Provincial Legislature of Taiwan, an invitation to join with Alabama as a Sister State and as much to conduct such mutually beneficial social, economic, educational and cultural programs as to bring our citizens closer together and strengthen international understanding and goodwill.

SECTION II. That the Secretary of State of the State of Alabama transmit copies of this Resolution to the Governor.

SECTION III. That the Governor of the State of Alabama deliver copies of this Resolution to Yang-Kang Lin, Governor of Taiwan, and Heng-Wen Chai, Speaker of the General Assembly of Taiwan.

The resolution, H. J. R. 311, was read and referred to the Standing Committee on Rules.

Also:

By Reps. Bedsole, Sandusky, Stout, McMillan, Penry, Harper (T), Clark (W), Stewart and Kennedy:

H. J. R. 312. INVITING MR. JIMMY BUFFETT TO APPEAR IN PERFORMANCE BEFORE THE ALABAMA LEGISLATURE.

WHEREAS, Mr. Jimmy Buffett grew up in Mobile, Alabama, graduated from McGill High School of that city and also attended Auburn University; and

WHEREAS, Jimmy Buffett is now a composer and recording artist of international fame whose songs, such as "Come Monday," "Margaritaville," and "Cheeseburger in Paradise," have sky-rocketed to the top of the charts; and

WHEREAS, as Alabama's gift to the entertainment world, Jimmy Buffett, as a gift to his home state, recently recorded and released "Stars Fell on Alabama" with the result that yesteryear's classic is now one of this year's biggest hits; and

WHEREAS, even as the first release of "Stars Fell on Alabama" brought fame to our state, Jimmy Buffett has once again turned the spotlight of the world on the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we would indeed be most highly honored if Mr. Jimmy Buffett would consent to appear, in performance, at his earliest convenience, before a joint session of the Alabama Legislature.

BE IT FURTHER RESOLVED, That Mr. Buffett be advised, by copy of this resolution, of our cordial invitation and that we eagerly anticipate his acceptance.

On motion of Rep. Bedsole, the rules were suspended and the resolution, H. J. R. 312, was adopted.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill:

H. 909. To authorize the governing body of Lee County, Alabama, to levy and collect special county privilege and license taxes, generally paralleling the state sales taxes provided for in Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, and special county excise taxes generally paralleling the state use taxes provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; to specify the rates at which such taxes may be levied; to provide for the ascertainment, **collection, payment, distribution** and use of the proceeds of the said taxes if levied by the said governing body, **and for the enforcement of this act by the State Department of Revenue**; to specify the maximum duration for which any such taxes may be levied; and to prescribe penalties and fix punishment for violations of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 33; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bennett, Biddle, Brakefield, Cates, Cheatwood, Clark (G), Coburn, Crow, Edwards, Goodwin, Grimsley, Harvey, Laird, McMillan, Manley, Moore, Naramore, Nevett, Olive, Penry, Ray, Shavers, Stout, Trammell, Turnham, Venable, Ward, Whatley, Willis and Zoghby.

—33

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 973. Relating to Chambers County; to provide for a certain additional tax upon the sale, use or consumption of malt or brewed beverages and to provide for disposition of the proceeds of such additional tax.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 36; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bennett, Biddle, Bowling, Brakefield, Cates, Cheatwood, Clark (G), Dial, Edwards, Grimsley, Harvey, Laird, McKee, McMillan, Manley, Mitchell, Moore, Naramore, Nevett, Olive, Pegues, Penry, Ray, Reed, Seibels, Shavers, Trammell, Turnham, Venable, Ward, Whatley, Willis and Zoghby.

—36

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 974. Relating to Chambers County; to provide further for the mileage allowance of the county coroner, and to provide for retroactive effect.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 35; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Brakefield, Buskey, Carter, Cates, Clark (G), Crow, Drinkard, Edwards, Grimsley, Grouby, Laird, McKee, McMillan, Manley, Naramore, Nevett, Olive, Pegues, Penry, Ray, Reed, Seibels, Shavers, Trammell, Turnham, Venable, Ward, Whatley, Willis and Zoghby.

—35

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1012. To authorize the Macon County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 34; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bennett, Bowling, Brakefield, Buskey, Cates, Clark (G), Drinkard, Gilmer, Goodwin, Grimsley, Harvey, Laird, McMillan, Manley, Mitchell, Nevett, Olive, Parker, Penry, Ray, Reed, Seibels, Shavers, Stout, Trammell, Venable, Ward, Warren, Whatley, Willis and Zoghby.

—34

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1018. Relating to the Town of Cedar Bluff, in Cherokee County; authorizing the Town of Cedar Bluff as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable services to the residents of the town and to residents of the municipal corporations and surrounding territory; prescribing its power in connection therewith; authorizing and regulating the issuance and security of bonds and other evidence of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidence of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 35; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bennett, Brakefield, Cates, Clark (G), Crow, Dial, Gilmer, Goodwin, Grouby, Hammett, Letson, McKee, McMillan, Manley, Mitchell, Naramore, Nevett, Olive, Parker, Penry, Ray, Seibels, Shavers, Stewart, Stout, Venable, Ward, Warren, Whatley, Willis and Zoghby.

—35

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Waggoner to suspend the rules in order to take up out of order the bill, H. 907, was lost, lacking a four-fifths vote.

Yeas 9; Nays 8.

Yeas:

Reps. Bennett, Cabaniss, Cheatwood, Lewis, Payne, Pegues, Seibels, Stewart and Waggoner.

—9

Nays:

Reps. Escott, Harrison, Horn, Howard, Jackson, Nevett, Olive and Tucker.

—8

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 132. To amend Section 34-27-7, Code of Alabama 1975, which relates to the Real Estate Commission, so as to increase the membership of said commission.

Was read a third time at length and passed.

Yeas 44; Nays 3.

Yeas:

Mr. Speaker, Adams (H), Amari, Bennett, Blake, Buskey, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Crow, Escott, Gilmer, Goodwin, Greer, Grimsley, Harrison, Harvey, Holley, Jackson, Kelley, Lewis, Manley, Mitchell, Naramore, Nevett, Olive, Owens, Payne, Ray, Riddick, Roberts, Seibels, Shavers, Smith (M), Trammell, Tucker, Turner, Turnham, Waggoner, Williams, Willis and Zoghby.

—44

Nays: Reps. Barton, Hammett and Stewart.

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 549. To authorize and provide for the promotion of the production, marketing, use and sale of cotton and cotton products by research, education, advertising and other methods; to prescribe a method whereby cotton producers may act jointly with handlers, ginners, buyers, processors, the state board of agriculture and industries, and others, for a promotional program; to provide that producers may by referendum levy upon themselves assessments for financing a promotional program and for the collection, disbursements and expenditures of funds collected from assessments; to provide for the regulations, requirements and authority relative thereto; to provide for refund of assessments; to prescribe duties of the commissioner of agriculture

and industries and the state board of agriculture and industries with respect to a promotional program for the cotton producers of Alabama; to provide for the administration thereof by a commission, which is fairly and substantially representative of the producers of cotton throughout the state and to regulate the establishment of such commissions; to provide for collection and distribution of assessments; to require ginner of cotton to collect assessments levied under this act; and to prescribe other administrative, enforcement, promotional and penalty provisions.

Was read a third time at length and passed.

Yeas 57; Nays 0

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Brakefield, Buskey, Campbell, Carothers, Carter, Cates, Cheatwood, Coburn, Cooley, Cosby, Crow, Dial, Edwards, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Horn, Howard, Kelley, Laird, Langford, Letson, Lewis, McMillan, Manley, Mitchell, Nevett, Olive, Owens, Parker, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shavers, Starkey, Trammell, Turner, Venable, Ward, Warren, Whatley, Willis, Wyatt and Zoghby.

—57

And the bill:

S. 428. To make further provisions for the issuance of obligations by Alabama federal aid highway finance authority by amending article 10 of chapter 1 of Title 23 of the Code of Alabama of 1975 so as to provide for the issuance and use of proceeds of obligations of the authority for the purpose of anticipating and providing for not only the federal share of the cost of constructing interstate and defense highways but also for the purpose of anticipating and providing for the federal share of the costs of constructing state highways to the extent that the said highways constitute primary highways as defined in section 23-1-301; to delete the requirement that obligations be issued only for the purpose of providing funds to pay the federal share of the costs of constructing highway projects qualifying for reimbursement from the United States of America on a nine to one matching basis and to permit obligations of the authority to be issued and proceeds thereof to be expended for payment of any cost of constructing any interstate, defense or primary highway which is to be repaid or reimbursed to the state by the said United States pursuant to the written agreement provided for in this article; to amend section 23-1-300 of the said Code so as to provide that obligations of the authority shall be payable solely from federal-aid highway funds to be received during the federal fiscal years ending in 1978 through 1995 (rather than the federal fiscal years 1978 through 1983); to amend section 23-1-301 of the said Code by (i) permitting the issuance of temporary bonds in coupon form, (ii) amending the definition of bond to include refunding bonds issued to refund outstanding obligations, (iii) amending the definition of note by further defining a note as an obligation which recites on its face that it is issued in anticipation of the sale by the authority of bonds and which is payable to the order of a named payee, and (iv) further defining a temporary bond as an obligation by the authority which recites on its face that it is issued in anticipation of the sale by the authority of bonds; to amend section 23-1-307 of the said Code by (i) deleting the provision of the said section which provides that the cost to be reimbursed by the federal government does not include the expense of borrowing or interest on obligations issued by the authority, and (ii) providing that the authority may from time to time sell

and issue refunding bonds for the purpose of refunding any then outstanding obligations of the authority and to provide that the provisions of the said section limiting the aggregate principal amount of bonds to \$212,000,000 shall not apply to refunding bonds; to extend from eight to fifteen years the maximum permissible maturity date of bonds; to delete the requirements of section 23-1-310 of said Code that the bonds be sold only at public sale and at a price at least equal to their face value and to provide that any obligation of the authority may be sold either at public or private sale and at such prices as may be deemed most advantageous by the board of directors, but that none of the obligations may be sold for a price less than 97% of their par or face value; to exempt all obligations issued by the authority from the laws of the state governing usury or prescribing or limiting interest rates, including, but without limitation to, the provisions of chapter 8 of Title 8 of the code of Alabama of 1975; to amend section 23-1-313 of the said Code by (i) deleting the prohibition with respect to the use of the proceeds of obligations of the authority for payment of fees of fiscal agents or financial consultants, and (ii) providing that proceeds of refunding bonds may be used for payment of principal of and interest on any outstanding obligations of the authority and for payment of any redemption premium necessary in order to redeem or retire the said outstanding obligations; to amend section 23-1-314 of the said Code by (i) extending the period for which funds to be received by the state from the United States government may be pledged to the federal fiscal year ending in 1995, and (ii) providing that the said funds received from the federal government during any federal fiscal year should be set aside to pay not only those obligations of the authority which mature during such federal fiscal year but also any obligations which are subject to mandatory redemption by the authority during any such federal fiscal year; and to make certain other clarifying changes and to correct certain typographical errors.

Was read a third time at length and passed.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Biddle, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Crow, Dial, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Harrison, Harvey, Horn, Howard, Laird, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Tucker, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—74

And the bill:

H. 392. To provide that certain handicapped individuals shall be granted distinctive license plate decals or identification placards for use in special parking places reserved for such persons; to authorize reciprocal agreements with other states regarding such parking places and to provide penalties for misuse and abuse of such parking places.

Was taken up.

AMENDMENT OFFERED

Rep. Bedsole offered the following amendment to the bill, H. 392:

Amend House Bill 392, Section 2, Page 1, Line 32, after the word "submits" by inserting to the judge of probate, license commissioner or other issuing authority.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 57; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Crow, Dial, Drinkard, Edwards, Escott, Gilmer, Grimsley, Grouby, Hammett, Harper (O), Holmes, Howard, Johnson (R. G.), Laird, Lewis, McMillan, Manley, Mitchell, Moore, Nevett, Olive, Owens, Parker, Payne, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Starkey, Stewart, Trammell, Turner, Venable, Ward, Warren, Whatley, Williams and Zoghby.

—57

Nay: Rep. Holley.

—1

And the bill, H. 392, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 1.

Yeas:

Mr. Speaker, Amari, Barton, Bedsole, Bennett, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Crow, Dial, Drinkard, Edwards, Escott, Gilmer, Grimsley, Grouby, Hammett, Harper (O), Harrison, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Parker, Patton, Payne, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Trammell, Tucker, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams and Zoghby.

—69

Nay: Rep. Holley.

—1

CO-SPONSORS ADDED

Reps. Bennett and Howard were added as co-sponsors to the bill, H. 392.

And the bill:

H. 324. (With Substitute): An Act to provide for the establishment of a Board of Commissioners for Alabama Universities; to describe the scope, authority, and duties of such Board of Commissioners; to provide for the composition of, eligibility for, and succession to the Board; to provide for the method of filling vacancies to the Board; to provide that funds shall be appropriated for the operation of the Board; to provide that the Board shall

make reports to the Governor and the Legislature; to provide for rule making authority in the Board, procedures for requiring compliance with Board policies and rules, procedures for approval of new programs, withdrawal of approval for inefficient programs, approval of new institutions, and approval of fees and tuitions; to provide that the Board shall submit and recommend a unified budget; to proscribe new institutions or off-campus educational activities without approval of the Board; to provide for the method of appropriating funds for private institutions or students attending same; to authorize the Board to reallocate institutional budgets; to authorize the Board to consolidate or abolish institutions and to grant the Board authority to abolish or add degrees; to provide for the staff and the employment of other professional and clerical personnel and for their compensation.

Was taken up.

SUBSTITUTE OFFERED

Rep. Pegues offered the following substitute to the bill, H. 324 with pending substitute reported by the Standing Committee on Ways and Means:

A BILL TO BE ENTITLED AN ACT

To repeal Sections 16-5-1 through 16-5-14, Code of Alabama 1975, as amended in 1979, and to propose to establish the Alabama Commission on Postsecondary Education and to reenact Sections 16-5-1 through 16-5-14, Code of Alabama 1975, as amended in 1979, so as to change the name of the present Alabama Commission on Higher Education, to expand the membership of the Commission, to establish the Commission as the statewide long-range planning agency for postsecondary education, and to provide the Commission with the authority to review and approve all units or programs of instruction for academic credit; to provide the Commission authority for advisory coordination of research and public service; the authority for regulation of all off-campus offerings for academic credit and units or programs of instruction by non-Alabama institutions; and to designate the Commission as the state agency responsible for the administration of those titles of the Higher Education Acts of 1965 as amended for those programs requiring a single state agency and those functions under the Southern Regional Education Compact heretofore assigned to the State Board of Education.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16-5-1 through 16-5-14, Code of Alabama 1975, as amended in 1979, is hereby repealed and reenacted to read as follows:

"An Act To establish the Alabama Commission on Postsecondary Education for the general purpose of promoting an educational system that will, within the economic resources available to the State, provide the highest possible quality of postsecondary education to all persons in the State able and willing to profit from it; to establish the Commission as the statewide long-range planning agency for postsecondary education; to provide through the Commission for continuous study, analyses, evaluation, planning, reporting and recommendations, as a basis for long-range planning with established priorities on a statewide basis to assure a sound, vigorous, progressive and coordinated system of postsecondary education for the State; to provide the Commission with the authority to review and approve all units or programs of instruction for academic credit; to offer advisory coordination of research and public service; the authority to regulate all off-campus offerings

for academic credit; and to regulate units or programs of instruction by non-Alabama institutions; and to designate the Commission as the state agency responsible for the administration of those titles of the Higher Education Acts of 1965 as amended for those programs requiring a single state agency for which the Commission qualifies and those functions under the Southern Regional Education Compact heretofore assigned to the State Board of Education.

Section 1. Definitions.

The following terms shall have the meanings respectively prescribed for them, except when the context otherwise requires:

(a) Public institutions of Postsecondary Education shall mean those public educational institutions in Alabama which have been authorized by the Legislature or by the constitution to provide formal education, including vocational, technical, collegiate, professional, or any other form of public education, above the secondary school level.

(b) Commission: The Alabama Commission on Postsecondary Education created by this ACT.

(c) Instructional Program: A series of courses at any one location which culminates in a degree, certificate, or other formal recognition or academic credit. The term does not include reasonable extension or alterations of existing curricula or programs which have a direct relationship to existing programs previously approved by the Commission; the Commission may, under its rule-making authority, define the character of such reasonable extension and alterations.

(d) Unit: A school, college, division or institute including the establishment of any new branch.

(e) Off-campus Offering: Any credit course, unit or instructional program conducted off the main campus of any postsecondary institution in existence and separately accredited by the Southern Association of Colleges and Schools, at the time of the passage of this Act, or of any new campus previously or hereafter approved by the Commission.

Section 2. Membership.

(a) The Commission shall consist of fourteen members. Eleven of these members shall be appointed by the Governor, one shall be appointed by the Lt. Governor, one shall be appointed by the Speaker of the House of Representatives and one shall be appointed by the State Board of Education, all by and with the advice and consent of the Senate. The 12 members appointed by the Governor shall include one person from each United States Congressional District in Alabama who shall reside or maintain an office or place of business within the congressional District from which he or she is appointed. The remaining members shall be appointed from the State at large with no more than three in number of the total fourteen members being from the same Congressional District.

(b) The fourteen members shall be citizens of the State and shall be selected, as far as may be practicable, on the basis of their interest in postsecondary education. Appointees shall be selected without regard to political affiliation and appointments shall be of a nature as to aid the work of the Commission and to inspire the highest degree of co-operation and confidence. No member of the Commission shall be on the governing boards, be

employed by or formally connected with any institution of postsecondary education in the State, the State Department of Education, or any County or other local Board of Education. Such formal connection does not preclude a Commission member from being an individually active alumnus or alumna. No member of the Commission shall serve past June 30th following his or her 70th birthday. All members of the Commission shall be deemed members at large charged with the responsibility of serving the best interest of the entire system of postsecondary education in the State. No member shall act as the representative of any particular region or of any particular institution of postsecondary education. New appointments to the Commission shall be made so that the total membership of the Commission is broadly representative of the total population of the State of Alabama.

(c) The Commission shall serve in an advisory capacity to the Legislature and the Governor of this State in respect to all matters pertaining to the use of state funds for the operation of public institutions of postsecondary education and the allocation of state funds for capital improvements at these institutions.

Section 3. Tenure—Vacancies.

(a) Members of the Commission shall be selected for nine year terms expiring on August 31 of the respective year. The current members of the Alabama Commission on Higher Education shall continue to serve as members of the Alabama Commission on Postsecondary Education until the expiration of their original respective terms.

(b) The members of the Commission shall continue to serve after the expiration of their terms until their successors have been appointed. In the event that the number of Congressional Districts shall change, incumbents on the Commission shall complete their terms as members of the Commission. If the number of Congressional Districts shall decrease, the membership will remain at fourteen with the number of at-large memberships being adjusted, if necessary, so that each Congressional District is always represented by at least one member and no more than three. If the number of Congressional Districts increases, then the number of at-large memberships shall be adjusted so that there is one member per district. If the Senate is not in session or is in recess when the term of a member expires, the initial appointing authority shall make a temporary appointment of a succeeding member who shall serve subject to subsequent Senate approval of the appointment.

(c) Vacancies on the Commission shall be filled by the appointing authority responsible for the initial appointment. The first vacancy which occurs as a result of passage of this Act shall be filled by appointment of the State Board of Education. If a new appointee is not confirmed by the Senate, said appointee shall continue to serve until confirmation or a replacement is confirmed. In no case shall an appointee serve unconfirmed by the Senate beyond the Regular or Special Session following the Session of his or her original appointment.

(d) Any person who serves for five or more years as a member of the Commission shall not be eligible for reappointment to succeed himself or herself until the next vacancy occurs after his or her successor is named.

(e) If any member of this Commission fails to attend three consecutive meetings of the Commission without reasonable excuse, said membership will immediately expire and a replacement appointed. Such excused absences must be acceptable to the Commission by a unanimous vote of the remaining Commission members present at the meeting where such action is considered.

Section 4. Organization and Meetings.

(a) The Commission shall elect annually from its own members a chairman and such other officers as it may deem desirable and shall adopt rules for its organization in the conduct of its business.

(b) The Commission shall hold regular meetings at such times as are specified in its rules. Special or additional meetings may be held on call of the Chairman, or upon a call signed by at least six members, or upon call of the Governor. The Commission is encouraged to meet as often as seems desirable on the campuses of institutions of postsecondary education in the State. The Commission shall meet at least once every three months. A majority of the members of the Commission shall constitute a quorum at all its meetings but the approval of a new unit or program of instruction or a new public institution of postsecondary education, or the recommendation for a new unit of research or public service as provided in Section 8, or the termination of a unit or program of instruction, on or off-campus, shall require the concurrence of a majority of all the members of the Commission. An agenda for the meetings in sufficient detail to indicate the terms on which final action is contemplated shall be mailed to the chairman of each governing board and to the chief administrative officer of each public institution of postsecondary education and the State Superintendent of Education at least two weeks prior to the meeting. Any public postsecondary institution or the State Board of Education may place an item for discussion on the agenda of the next Commission meeting by informing the executive officer of the Commission, in writing, of such request at least three weeks prior to the meeting.

(c) Members of the Commission shall serve without compensation but shall be reimbursed for actual expenses incurred in the performance of their duties in accordance with applicable state laws.

(d) The Commission is authorized to appoint a highly qualified person **as its Executive Officer who shall, with the consent and approval of the Commission, select and supervise the Commission's staff and perform such other duties as may be delegated to him by the Commission, within the funds made available for the Commission's operation.**

(e) The Executive Officer shall, with the consent and approval of the Commission, employ such professional and clerical staff and other assistants, including specialists and consultants, upon a full or part-time basis as are necessary to assist the Commission and the Executive Officer in performing the duties assigned by the Act. The number of employees, their compensation, and other expenditures of the Commission shall be within the limits and in compliance with the appropriation made therefor by the Legislature and within budgets that shall be approved from time to time by the Commission.

(f) The Commission shall adopt procedures for an annual review and evaluation of its professional staff members.

(g) All full-time employees of the Commission shall be eligible to participate in the state teacher's retirement system or any future retirement options as created by the Legislature.

Section 5. Study, Analysis and Evaluation.

The Commission, in consultation with the agencies and institutions concerned with postsecondary education in this State, shall analyze and evaluate on a continuing basis the present and future needs for instruction, research, and public service in postsecondary education in the state, including facilities, and assess the present and future capabilities to meet these

needs in order to provide the highest possible quality of collegiate and university education to all persons in the state able and willing to participate. The use of advisory groups and consultants, as deemed desirable, may be employed to assist these studies. One such advisory committee shall be the Council of Presidents, consisting of the President of each public four-year institution of higher education, the State Superintendent of Education and the presidents of three public two-year institutions of postsecondary education, to be selected by the State Board of Education. The Commission shall meet at least once a year with the Council of Presidents.

Section 6. Planning.

The Commission shall be responsible for statewide long-range planning for postsecondary education in Alabama. Such planning shall be the result of continuous study, analysis and evaluation. Plans will include the establishment of statewide objectives and priorities with methods and guidelines for achieving them.

Section 7. State University and College Information System.

The Commission, after affording a full opportunity to the public institutions of postsecondary education to be heard, shall design and establish a State University and College Information System to provide comprehensive, meaningful, and timely information pertinent to the formulation of decisions and recommendations by the Commission. The information submitted by the public institutions of postsecondary education shall be in comparable terms and the reports developed through the system shall conform to the procedures established by the Commission. The Commission shall be the state coordinating agency for all data collection requirements of the federal government which require state level coordination and relate to postsecondary education. The Commission will make every effort to minimize the reporting burden on the institutions by using the existing reports of the federal government. The Commission shall establish an advisory committee comprised of, but not limited to, representatives of all sectors of public postsecondary education to include representatives from the two and four-year institutions and the State Board of Education to assure that the expertise and concerns of the institutions relative to this section, both individually and collectively, shall be provided to the Commission.

Section 8. Regulation of Units or Programs of Instruction: Advisory Coordination of Research and Public Service.

(a) The Commission on Postsecondary Education is authorized to review, approve, disapprove, or terminate all new and existing instructional programs and units funded by state appropriations at the public postsecondary institutions. The Commission is also authorized to review research and public service programs funded by state appropriations at the public postsecondary institutions and to share its recommendations with the appropriate governing board, through the president of the institution, and the state legislature.

(b) The Commission shall seek, through the use of advisory committees, to study research, public service programs, and instructional programs which are not adequately provided in the state, and shall make findings and recommendations to the institutions, the Governor and the Legislature that would strengthen the total program of postsecondary education in the state.

(c) The governing boards of public institutions of postsecondary education in this State and the campuses under their governance or supervision shall not hereafter undertake the establishment of any new unit or program of instruction for academic credit with state funds before submitting plans for

the new unit or program to the Commission for its review, evaluation, and approval. No state funds shall be expended by any public institution on any new unit or program of instruction which has not been approved by the Commission. Any such plan submitted to the Commission, or its staff, however, and not receiving final action by the Commission within ten (10) months of submission shall be considered approved. No public institution shall expend state funds for any existing unit or program of instruction after an appropriate phase out period if such program has been disapproved or recommended for termination. In every case of termination of existing units or programs of instruction, the institution shall be allowed a reasonable phase out period of not less than one year during which time the institution shall be allowed to expend any currently appropriated state funds. Any operation or expenditure of state funds beyond one year from the date of recommendation for termination by the Commission shall be subject to approval by the Commission.

(d) The Commission shall have the authority to authorize and regulate off-campus offerings, new or existing. The same phase-out criteria relative to termination of existing programs as specified in paragraph (c) of this section shall also be applied to the termination of off-campus offerings.

(e) The Commission and the Council of Presidents shall jointly develop a general procedure, including criteria for review, which shall be applied in all cases of review for existing programs on or off-campus.

(f) Colleges and universities conducting off-campus offerings on military reservations are exempt from the Commission's regulatory review and approval authority for those offerings on the military reservation.

(g) Nothing in this or any section, however, shall be construed to prohibit any institution of postsecondary education in this State from seeking and securing approval of the Legislature by separate act for any new unit or program of instruction, research, or public service, on or off-campus, denied approval by the Commission, or reinstating any disapproved existing program on or off-campus in which case the action of the Legislature, when approved by the Governor or otherwise upon becoming law, is final.

(h) Training programs provided to business and industry by contract lasting no longer than six months each and conducted by the postsecondary institutions shall be exempted from the review and approval process specified in this section.

Section 9. Budget Proposals and Recommendations.

(a) The governing boards of the public institutions of postsecondary education shall submit to the Commission through their appropriate administrative officers, not later than ninety (90) days prior to each legislative session, its budget proposals for the operation and capital needs of the institution under its governance or supervision.

(b) The Commission shall receive, evaluate and coordinate budget requests for the public institutions of postsecondary education of this State, shall hold open hearings on the budget requests of the separate institutions and shall present to each institution and to the Governor and the Legislature, a single unified budget report containing budget recommendations for separate appropriations to each of the institutions. The consolidated budget and analysis of the Commission shall be accompanied by the original requests and the justifications as submitted by each institution. The recommendation of the Commission shall be derived directly from its assessment of the actual

funding needs of each of the public institutions of postsecondary education, as presented to it by the presidents, which assessment may include, but shall not be limited to, derived conclusions that may be based upon standard techniques of objective measurement, need and unit cost figures, arrived at through the use of comparative and verified data secured from the various institutions, applied in an impartial and objective manner, and comparison shall be made not only between similar functions of institutions in Alabama but also between Alabama institutions and similar functions of institutions located in other states. Nothing herein shall be construed to prohibit any institution of postsecondary education in this State from submitting any matter pertaining to the financial operation and needs of said institution to the Legislature or to the Governor at any time.

(c) Nothing herein shall be construed to prohibit the Commission from advising the Governor or the Legislature, upon request, how it would recommend the distribution of state funding totaling less than that required to fund the actual needs of the institutions as determined by the Commission, provided, however, that a response by the Commission to such requests shall not be in lieu of its recommendations based on actual needs, but in addition thereto.

Section 10. Powers and Duties of the Commission.

The Commission shall exercise the following powers and duties in addition to those otherwise specified in this Act:

(a) To cause to be made such surveys and evaluations of postsecondary education as are believed necessary for the purpose of providing appropriate information to carry out its powers and duties.

(b) To recommend to the Legislature of Alabama the enactment of such legislation as it deems necessary or desirable to insure the highest quality of postsecondary education in this State taking into consideration the orderly development and maintenance of the State system of public postsecondary education to meet trends in population and the change in social and technical requirements of the economy.

(c) To advise and counsel the Governor, at his request, regarding any area of, or matter pertaining to, postsecondary education.

(d) To establish definitions of a junior college, a community college, a technical college or institute, a senior college, a university and university system; provided, that nothing herein shall be construed as authorizing the Commission to establish, create, or alter junior college, community college, technical college, college, university, university system presently existing other than those powers specifically granted in section 8 of the act.

(e) To develop and publish criteria which may be used by the Legislature as a basis (I) for changing the classification of any public institution of postsecondary education and (II) for determining the need for new public junior colleges, public senior colleges, universities or university systems. Any proposed statute which would establish an additional institution of postsecondary education may be submitted, either prior to introduction or afterward by the standing committee of the Legislature considering same to the Commission for its opinion as to the need for such institution, and the Commission shall report its findings to the Governor and the Legislature.

(f) To cause studies to be made for the purpose of classifying and prescribing the role and scope for each public institution of postsecondary education in Alabama and to recommend such changes in classification or

role and scope for such institutions as it deems necessary and which may be agreed to by the governing board of the said institution. In making studies and recommendations for the purpose of classifying and prescribing the role and scope of institutions, the Commission shall do so without regard for race and traditional role of the institution. When making recommendations for the termination of duplication or educationally unnecessary programs, absent justifiable reasons to the contrary, the Commission shall recommend the replacement of such programs and/or services with programs and/or services that will strengthen and enhance the role of the institution affected.

(g) To hear applications from the institutions for changes in classification or role and scope and to recommend to the Legislature for clarification such classifications in role or scope which may not be agreed to by the governing body of any institution.

(h) To make continuing studies, on its own initiative or upon the request of the Governor or the Legislature, of the financial needs of public postsecondary education and issue such reports to the Governor and the Legislature as may result from its studies.

(i) To submit to the Governor and the Legislature on or before the first day in January of each year a written report covering the activities of the Commission and the state of postsecondary education in Alabama.

The report shall include:

(I) statements of the nature, progress or result of any studies undertaken or completed during the past fiscal year;

(II) comments upon major developments, trends, new policies, budgets, and financial considerations which, in the judgment of the Commission will **be useful in planning a sound program** of postsecondary education; and

(III) recommendations respecting postsecondary education in this state as may be appropriate.

(j) To make rules and regulations for its meetings, procedures and execution of the powers and duties delegated to it by this Act.

(k) To encourage the establishment and development of formal consortia for the advancement of postsecondary education comprised of institutions of postsecondary education in the State.

(l) To conduct a program of public information in order to inform citizens of the State of matters of importance to postsecondary education in Alabama.

(m) To serve as the State agency for the administration of those Titles of the Higher Education Act of 1965 (Public Law 89-329), as amended, for those programs requiring a single state agency for which the Commission qualifies, unless otherwise designated by Executive order.

(n) To authorize and regulate instructional programs or units offered by non-Alabama institutions of postsecondary education in the State of Alabama. No institution of postsecondary education located outside of Alabama may offer units or programs of instruction within Alabama without prior approval of the Commission. The Commission under its rule-making authority shall establish criteria for the approval of such institutions and programs.

Section 11. Southern Regional Education Compact.

The Commission is designated the agency responsible for those functions under the Southern Regional Compact for Education (Act 227, H. J. R. 42, 1949, Act 40 H. J. R. 21, 1955) and those functions in Sections 16-3-32 through 16-3-35, Code of Alabama, 1975 heretofore assigned to the State Board of Education with funds that may be appropriated to it by the Legislature for that purpose.

Section 12. Evaluating and Revising the Commission.

During the last year of each gubernatorial term, with the term ending in January of 1987, the Commission shall appoint a committee of at least three consultants to evaluate the effectiveness of the work of the commission and its staff and to recommend changes as needed. All of these consultants shall be selected from a list provided by the Council of Presidents. They shall not be associated with postsecondary education in this State. A report prepared by the Committee shall be submitted to the Governor, the Legislature, the presidents and governing boards of the public institutions of postsecondary education of this State and the public.

Section 13. Governing Boards of Public Institutions of Higher Education—Powers and Duties.

(a) Governing boards of the public institutions of postsecondary education of this State shall retain all powers and duties heretofore given and conferred upon them by the Constitution or by any law expressed or implied, to govern, control and operate the institutions for which they are responsible. The Commission shall work with and support the respective boards and except where otherwise authorized by this statute, shall act in a fact-finding and advisory capacity.

(b) The State Board of Education and any successor board or boards which govern the state's public postsecondary institutions, including senior institutions, community colleges, junior colleges, and postsecondary technical institutes or colleges, shall stand in the same relationship to the Commission as do university boards of trustees. The State Superintendent of Education shall stand in the same relationship to the Commission as do the presidents of the universities.

Section 14. Acceptance of Gifts, etc.

The Commission is authorized to accept gifts, devises, grants, or bequests and expend the same to carry out the provisions of this Act or to promote the purposes for which it has been established.

Section 15. Severability.

The provisions of the Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act, be held unconstitutional or invalid, such holdings shall not affect any other section, paragraph, sentence, clause, provision or other portion of this Act not in or of itself unconstitutional or invalid.

Section 16. Repealer.

All laws or parts of laws which conflict with this act are hereby repealed.

Section 17. Effective date.

This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Holley to indefinitely postpone the bill, H. 324 with pending substitutes was lost.

Yeas 38; Nays 46.

Yeas:

Reps. Bennett, Boles, Bowling, Brakefield, Buskey, Carter, Cheatwood, Cobb, Crow, Drinkard, Escott, Ford, Grimsley, Grouby, Hammett, Harper (O), Harrison, Holley, Holmes, Horn, Howard, Jackson, Johnson (Roy), Langford, Lewis, Naramore, Nevett, Rains, Ray, Shavers, Stewart, Stout, Trammell, Tucker, Warren, Whatley, Williams and Wyatt.

—38

Nays:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Biddle, Cabaniss, Campbell, Clark (G), Coburn, Cosby, Dial, Edwards, Gafford, Gilmer, Goodwin, Greer, Harper (T), Harvey, Johnson (R. G.), Kelley, Letson, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens, Payne, Pegues, Penry, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Turnham, Waggoner, Ward, Willis and Zoghby.

—46

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Rep. Pegues to the bill, H. 324 with pending substitute reported by the Standing Committee on Ways and Means, and the substitute was adopted.

Yeas 46; Nays 23.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Cabaniss, Campbell, Clark (G), Cosby, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Harper (T), Harvey, Johnson (R. G.), Kelley, Laird, Letson, McKee, Manley, Minus, Olive, Owens, Payne, Pegues, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Turnham, Waggoner, Ward, Whatley and Zoghby.

—46

Nays:

Reps. Boles, Bowling, Brakefield, Carter, Cheatwood, Cobb, Cooley, Escott, Grimsley, Harrison, Holley, Horn, Howard, Jackson, Johnson (Roy), Langford, Lewis, Naramore, Nevett, Shavers, Trammell, Williams and Wyatt.

—23

MOTION TO POSTPONE

Rep. Blake offered the motion to postpone further consideration of the bill, H. 324 as amended, to the twenty-sixth legislative day.

SUBSTITUTE MOTION OFFERED

Rep. Holley offered the substitute motion to postpone further consideration of the bill, H. 324 as amended, to the twenty-ninth legislative day.

MOTION TO TABLE LOST

The motion offered by Rep. Pegues to table the substitute motion offered by Rep. Holley to postpone the bill, H. 324 as amended, to the twenty-ninth legislative day, was lost.

Yeas 43; Nays 48.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Biddle, Cabaniss, Campbell, Clark (G), Cosby, Dial, Dixon, Edwards, Gafford, Gilmer, Harper (T), Harvey, Holley, Johnson (R. G.), Kelley, McKee, McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Payne, Pegues, Reed, Riddick, Roberts, Sandusky, Shoemaker, Smith (J), Starkey, Venable, Ward, Whatley, Willis and Zoghby.

—43

Nays:

Reps. Blake, Boles, Bowling, Brakefield, Buskey, Carter, Cates, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Crow, Daniels, Drinkard, Escott, Ford, Grimsley, Grouby, Hammett, Harper (O), Harrison, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Langford, Lewis, Mitchell, Naramore, Nevelt, Patton, Penry, Rains, Sasser, Seibels, Shavers, Smith (M), Stewart, Stout, Trammell, Tucker, Turner, Warren, Williams and Wyatt.

—48

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 17. Relating to Etowah County; to amend Section 1 of Act No. 302, H. 1043, Regular Session 1977 (Acts 1977, p. 403), relating to branch banks, so as to provide further for such banks.

Also:

S. 504. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Banks, in Pike County.

Also:

S. 571. Relating to Madison County; to amend Section 1 of Act No. 120, H. 599, Regular Session of 1973 (Acts 1973, p. 153), so as to provide further for expense allowances of certain county officers.

Also:

S. 569. Providing for purging the lists of registered voters in Wilcox County; requiring and prescribing the procedure for the reidentification of registered voters; placing certain duties on the board of registrars and the county governing body relative to the reidentification of registered voters.

Also:

S. 292. To amend Section 27-15-11, Code of Alabama, 1975, which relates to the reinstatement of lapsed life insurance policies, so as to make the maximum interest rate on amounts of overdue premiums and other indebtedness to the insurer, payable upon reinstatement, the same as the interest rate on policy loans as specified in the policy in accordance with Section 27-15-8, Code of Alabama, 1975.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

H. 324 RESUMED

SUBSTITUTE MOTION INDEFINITELY POSTPONED

The question was then on the substitute motion offered by Rep. Holley to postpone the bill, H. 324 as amended, to the twenty-ninth legislative day, and on motion of Rep. Pegues, the substitute motion was indefinitely postponed.

Yeas 49; Nays 48.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Biddle, Cabaniss, Campbell, Clark (G), Coburn, Cosby, Dial, Dixon, Edwards, Gafford, Gilmer, Greer, Gregg, Harper (T), Harvey, Johnson (R. G.), Kelley, Laird, McKee, McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Payne, Pegues, Reed, Riddick, Roberts, Sandusky, Seibels, Shoemaker, Smith (J), Starkey, Turnham, Venable, Waggoner, Ward, Whatley, Willis and Zoghby.

—49

Nays:

Reps. Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Carter, Cates, Cheatwood, Clark (W), Cobb, Cooley, Crow, Daniels, Drinkard, Escott, Ford, Grimsley, Grouby, Hammett, Harper (O), Harrison, Holley, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Langford, Lewis, Mitchell, Naramore, Nevett, Patton, Penry, Rains, Sasser, Shavers, Smith (M), Stewart, Stout, Trammell, Tucker, Turner, Warren, Williams and Wyatt.

—48

SUBSTITUTE MOTION TABLED

On motion of Rep. Pegues, the substitute motion offered by Rep. Holley to postpone further consideration of the bill, H. 324 as amended, to the twenty-eighth legislative day, was tabled.

Yeas 48; Nays 46.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Biddle, Cabaniss, Campbell, Clark (G), Coburn, Cosby, Dial, Dixon, Edwards, Gafford, Gilmer, Greer, Gregg, Harper (T), Harvey, Johnson (R. G.), Kelley, Laird, McKee, McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Payne, Pegues, Reed, Riddick, Roberts, Sandusky, Seibels, Shoemaker, Smith (J), Starkey, Turnham, Venable, Waggoner, Ward, Whatley, Willis and Zoghby.

—48

Nays:

Reps. Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Carter, Cates, Cheatwood, Clark (W), Cobb, Cooley, Crow, Daniels, Drinkard, Escott, Ford, Grimsley, Grouby, Hammett, Harper (O), Harrison, Holley, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Langford, Lewis, Mitchell, Naramore, Nevett, Patton, Penry, Rains, Sasser, Shavers, Stewart, Stout, Trammell, Tucker, Warren, Williams and Wyatt.

—46

AMENDMENT OFFERED

Rep. Hammett offered the following amendment to the bill, H. 324 as amended:

In Section 10, on page 11, after line 7, insert the following:

(o) Provided however, the Commission shall not have authority to analyze, evaluate, coordinate, regulate, or control in any manner any post secondary institution under the control of the state board of education.

MOTION TO TABLE LOST

The motion offered by Rep. Pegues to table the amendment offered by Rep. Hammett to the bill, H. 324 as amended, was lost.

Yeas 43; Nays 53.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Biddle, Cabaniss, Campbell, Clark (G), Cosby, Dial, Dixon, Edwards, Gafford, Gilmer, Greer, Gregg, Harper (T), Johnson (R. G.), Laird, McKee, McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Payne, Pegues, Reed, Riddick, Roberts, Sandusky, Shoemaker, Smith (M), Starkey, Waggoner, Ward, Whatley, Willis and Zoghby.

—43

Nays:

Reps. Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Carter, Cates, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Crow, Daniels, Drinkard, Escott, Ford, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Harrison, Holley, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kelley, Kennedy, Langford, Lewis, Mitchell, Naramore, Nevett, Patton, Penry, Rains, Sasser, Shavers, Smith (C), Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Warren, Williams and Wyatt.

—53

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 261. RELATIVE TO MEETING DAYS OF THE LEGISLATURE.

Also:

H. J. R. 274. COMMENDING THE EFFORTS OF MARCH AGAINST CRIME IN ITS CRUSADE FOR SAFETY ON BEHALF OF THE CITIZENS OF ALABAMA.

Also:

H. J. R. 307. COMMENDING MR. FRANK J. SEGO, PROMINENT MONTGOMERY CIVIC LEADER AND MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL EXCHANGE CLUB.

Also:

H. J. R. 308. DESIGNATING APRIL 26, 1981, AS VIETNAM VETERANS RECOGNITION DAY.

Also:

H. J. R. 309. DESIGNATING H. B. 223 AS "THE CLARK-PARSONS CONSUMER PROTECTION LAW".

Also:

H. J. R. 310. NAMING THE ADMINISTRATIVE BUILDING AT THE COUNCIL TRENHOLM STATE TECHNICAL COLLEGE, "LUCIOUS W. SMILEY HALL".

Also:

H. J. R. 302. RECOGNIZING THE IMPORTANCE OF THE PORT OF MOBILE CUSTOMS OFFICE TO THE ECONOMIC HEALTH OF THE ALABAMA ECONOMY AND URGING THAT THIS GREAT SERVICE PROVIDED BY THE MOBILE CUSTOMS OFFICE BE CONTINUED AND NOT BE INCLUDED IN THE CUTS PLANNED BY THE PRESIDENT AND CONGRESS.

Also:

H. J. R. 312. INVITING MR. JIMMY BUFFETT TO APPEAR IN PERFORMANCE BEFORE THE ALABAMA LEGISLATURE.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 809. To authorize the city of Tuscombua to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within said city, or any accumulation of trash, rubbish, junk or debris, or any unsightly or dangerous walls, or any abandoned construction of any kind or nature, or motor vehicles or machinery not in operating condition, or any debris of a burned building, or any abandoned or unused swimming pool, or any abandoned wells or cisterns, to be a public nuisance and creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 737. To amend Section 5-16-31, Code of Alabama 1975, which provides for reorganizations of savings and loan associations, so as to provide that existing mutual savings and loan associations operating in this state may convert from the mutual to the capital stock form of organization upon approval of the savings and loan Commissioner and upon approval by majority vote of members attending a meeting called to consider conversion.

Also:

H. 216. Relating to the manufacture of prescription drugs requiring the identification of drug products; providing for an exemption in the case of hardship; providing for the disclosure of descriptive information; providing for the adoption of rules; providing for an exemption for drug products compounded by a pharmacist in a pharmacy; providing an effective date.

Also:

H. 527. To license and regulate grain dealers under the State Department of Agriculture and Industries; to require posting of bonds by dealers for the benefit of producers; to provide for inspection and investigation of grain dealers' operations and provide for hearings and suspension or revocation of grain dealers' licenses.

Also:

H. 503. To promulgate "The Motor Vehicle Franchise Act" in order to provide for the regulation of motor vehicle manufacturers, distributors, wholesalers, dealers, and their representatives; to provide for the regulation of dealings and transactions between manufacturers and distributors or wholesalers and their dealers; to prohibit unfair and deceptive trade practices; and to prescribe remedies for violation of the provisions hereof.

McDOWELL LEE,
Secretary.

H. 324 RESUMED

The question was then on the amendment offered by Rep. Hammett to the bill, H. 324 as amended, and the amendment was adopted.

Yeas 51; Nays 44.

Yeas:

Reps. Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Carter, Cates, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Crow, Daniels, Drinkard, Escott, Ford, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Holley, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Langford, Mitchell, Naramore, Nevett, Patton, Pegues, Penry, Rains, Sasser, Shavers, Smith (C), Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Warren, Williams and Wyatt.

—51

Nays:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Cabaniss, Campbell, Clark (G), Cosby, Dial, Dixon, Edwards, Gilmer, Greer, Gregg, Harper (T), Harvey, Johnson (R. G.), Laird, Lewis, McKee, McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Payne, Reed, Riddick, Sandusky, Seibels, Shoemaker, Smith (J), Smith (M), Starkey, Waggoner, Ward, Whatley, Willis and Zoghby.

—44

MOTION TO RECONSIDER AND TABLE

Having voted on the prevailing side, Rep. Holley offered the motion to reconsider the vote by which the amendment offered by Rep. Hammett to the bill, H. 324 as amended, was adopted, and to table the amendment.

SUBSTITUTE MOTION ADOPTED

The substitute motion offered by Rep. Pegues to temporarily postpone further consideration of the bill, H. 324 as amended, was adopted.

Yeas 52; Nays 48.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Biddle, Cabaniss, Campbell, Carothers, Clark (G), Coburn, Cosby, Daniels, Dial, Dixon, Edwards, Gafford, Gilmer, Goodwin, Greer, Gregg, Harper (T), Johnson (R. G.), Kelley, Laird, McKee, McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Payne, Pegues, Penry, Reed, Riddick, Roberts, Sandusky, Seibels, Shoemaker, Smith (J), Starkey, Venable, Waggoner, Ward, Whatley, Willis and Zoghby.

—52

Nays:

Reps. Blake, Boles, Bowling, Brakefield, Buskey, Carter, Cates, Cheatwood, Clark (W), Cobb, Cooley, Crow, Drinkard, Escott, Ford, Grimsley, Grouby, Hammett, Harper (O), Harrison, Holley, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Langford, Letson, Lewis, Mitchell, Naramore, Nevett, Patton, Rains, Ray, Sasser, Shavers, Smith (M), Stewart, Stout, Trammell, Tucker, Turner, Turnham, Warren, Williams and Wyatt.

—48

And the bill:

S. 550. To provide that the Board of Trustees of the University of Alabama, at its discretion, may continue the employment of employees 70 years of age or older; and to repeal conflicting laws.

Was taken up.

AMENDMENT OFFERED

Rep. Holmes offered the following amendment to the bill, S. 550:

Amend S. B. 550 on page two line 28. The provisions of this bill shall apply to Alabama State University.

AMENDMENT TABLED

On motion of Rep. Manley, the amendment offered by Rep. Holmes to the bill, S. 550, was tabled.

Yeas 47; Nays 13.

Yeas:

Mr. Speaker, Adams (H), Barton, Bedsole, Bennett, Biddle, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Cosby, Gafford, Gilmer, Greer, Grimsley, Harper (T), Harvey, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Lewis, McKee, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Pegues, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stewart, Stout, Trammell, Venable, Waggoner, Whatley and Willis.

—47

Nays:

Reps. Buskey, Clark (W), Dial, Dixon, Drinkard, Ford, Holley, Holmes, Horn, Howard, Kennedy, Nevett and Rains.

—13

AMENDMENT OFFERED

Rep. Dixon offered the following amendment to the bill, S. 550

Amend S. B. 550 on page 2, on line 26 of section 1 add after the word older the following:

except the President, Chancellor or Vice Chancellor thereof

AMENDMENT TABLED

On motion of Rep. Manley, the amendment offered by Rep. Dixon to the bill, S. 550, was tabled.

Yeas 42; Nays 29.

Yeas:

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Biddle, Boles, Brakefield, Campbell, Carter, Cheatwood, Clark (G), Cooley, Dial, Gafford, Goodwin, Harper (T), Harrison, Horn, Johnson (R. G.), Kelley, Lewis, Manley, Minus, Moore, Olive, Owens, Parker, Ray, Sandusky, Seibels, Shavers, Shoemaker, Stewart, Stout, Tucker, Turner, Turnham, Venable, Waggoner, Willis and Zoghby.

—42

Nays:

Reps. Albright, Bennett, Bowling, Buskey, Cabaniss, Carothers, Clark (W), Cosby, Dixon, Gilmer, Greer, Grimsley, Grouby, Hall, Holley, Johnson (Roy), Kennedy, McKee, Naramore, Nevett, Rains, Sasser, Smith (C), Trammell, Ward, Warren, Whatley, Williams and Wyatt.

—29

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 537. To make further provisions for the issuance of obligations by the Alabama Highway Finance Corporation by amending Article 7 of Chapter 1 of Title 23 of the Code of Alabama, 1975, as amended, so as to exempt all obligations issued by the Corporation from the laws of the State governing usury or prescribing or limiting interest rates including but without limitation to the provisions of Chapter 8 of Title 8 of the Code of Alabama, 1975.

Also:

H. 82. To adopt and incorporate into the Code of Alabama 1975 all of the general and permanent laws of the State of Alabama adopted during the 1980 session of the Legislature, with the exception of the Alabama Business Corporation Act (Act No. 80-633, H. 81, 1980 Regular Session), as contained in the 1980 Cumulative Supplement to the Code of Alabama 1975, and to make certain corrections in such cumulative supplement.

McDOWELL EE,
Secretary.

S. 550 RESUMED

And the bill, S. 550, was read a third time at length and passed.

Yeas 73; Nays 8.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (T), Harvey, Holley, Holmes, Horn, Howard, Johnson (Roy), Kelley, Kennedy, Lewis, McKee, Manley, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Pegues, Ray, Reed, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Venable, Waggoner, Williams, Willis, Wyatt and Zoghby.

—73

Nays:

Reps. Buskey, Clark (W), Grouby, Rains, Turnham, Ward, Warren and Whatley..

—8

RESOLUTION

The following resolution was introduced:

By Rep. Harper (T):

H. R. 313. COMMENDING REPRESENTATIVE ANN BEDSOLE FOR HER BEAUTIFULL RENDITION OF THE STATE SONG, "ALABAMA" IN HER SINGING DEBUT.

WHEREAS, Mrs. Bedsole is one of the few members of the Alabama Legislature who knows the words to our great State Song; and

WHEREAS, it is essential to know the words to our State Song to be an effective legislator; and

WHEREAS, the State Song has never been done any better acappella on television; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That Mrs. Bedsole, who did such a great job on television singing the State Song, be commended for being so daring and patriotic in singing our State Song.

BE IT FURTHER RESOLVED, That at the call of the Speaker, Mrs. Bedsole will honor the House with her rendition of our great State Song.

On motion of Rep. Harper (T), the rules were suspended and the resolution, H. R. 313, was adopted.

SPECIAL ORDER RESUMED

And the bill:

H. 927. Relating to taxation in Cullman County; levying an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1 through 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and repealing a sales tax heretofore levied and collected by the City of Cullman.

Was taken up.

SUBSTITUTE OFFERED

Rep. Cooley offered the following substitute to the bill, H. 927:

A BILL
TO BE ENTITLED
AN ACT

Relating to Cullman County; to levy and collect additional special county privilege license and excise taxes paralleling the state sales and use taxes provided for in Chapter 23 of Title 40, Code of Alabama 1975 as amended; to amend the rates of tax levied on the categories of automotive vehicles, farm machinery, and manufacturing machines in Act No. 66, Second Special Session 1963 and Act No. 30, Special Session 1975; providing for the collection and enforcement of such taxes by the State Revenue Department; providing for the distribution and use of the proceeds, providing penalties for violations of this Act; and repealing a sales and use tax heretofore levied and collected by the City of Cullman.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The following words, terms, and phrases where used in this act shall have the following respective meanings except where the context clearly indicates a different meaning:

"County" means Cullman County in the State of Alabama.

"Commissioner" means the Commissioner of Revenue of the state.

"State Department of Revenue" means the Department of Revenue of the state.

"State" means the State of Alabama.

"State Sales Tax Statutes" means Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama of 1975, as amended, including all other statutes of the state which expressly set forth any exemptions from the computation of the taxes levied in said Division 1 and all other statutes which expressly apply to, or purport to affect, the administration of said Division 1 and the incidence and collection of the taxes imposed therein.

"State Sales Tax" means the tax or taxes imposed by the State Sales Tax Statutes.

"State Use Tax Statutes" means Article 2 of Chapter 23 of Title 40 of the Code of Alabama of 1975, as amended, including all other statutes of the state which expressly set forth any exemptions from the computation of the tax levied in the said Article 2 and all other statutes of the state which expressly apply to or purport to affect the administration of the said Article 2 and the incidence and collection of the taxes imposed therein.

"State Use Tax" means the tax or taxes imposed by the State Use Tax Statutes.

"Registered Seller" means the person registered with the State Department of Revenue pursuant to the State Use Tax Statutes or licensed under the State Sales Tax Statutes.

"Month" means a calendar month.

"Quarterly Period" means the period of three months ending on the last day of each March, June, September, and December.

"Fiscal Year" means the period commencing on October 1 of each calendar year and ending on September 30 of the next succeeding calendar year.

Except where another meaning is clearly indicated by the context, all definitions set forth in the State Sales Tax Statutes and the State Use Tax Statutes shall be effective as definitions of the words, terms, and phrases used in this act. All words, terms and phrases used herein, other than those hereinabove specifically defined, shall have the respective meanings ascribed to them in the State Sales Tax Statutes and the State Use Tax Statutes and shall have the same scope and effect that the same words, terms and phrases have where used in the State Sales Tax Statutes and the State Use Tax Statutes.

Section 2. Levy of Sales Tax. There is hereby levied in Cullman County, in addition to all other taxes of every kind now imposed by law, and to collect as herein provided, a privilege or license tax on account of the business activities and in the amount to be determined by the application of rates against gross sales or gross receipts, as the case may be, as follows:

(a) Upon every person, firm, or corporation (including the State of Alabama, the University of Alabama, Auburn University and all other institutions of higher learning in the state, whether such institutions be denominational, state, county or municipal institutions, any association or other agency or instrumentality of such institutions) engaged or continuing within the county in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidences of debts or stock, nor sales of material and supplies to any person for use in fulfilling a contract for the painting, repair or reconditioning of vessels, ships and other watercraft of over 50 tons burden) an amount of one percent of the gross proceeds of sales of the business, except where a different amount is expressly provided herein; provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business; and provided further, that where any used part of an automotive vehicle or truck trailer, semitrailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or rebuilt part, the tax levied herein shall be paid on the net difference, that is, the price of the new or used part sold less the credit for the used part taken in trade, provided, however, that this provision shall not be construed to include tires or batteries;

(b) Upon every person, firm, or corporation engaged or continuing within the county in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theatres, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution within this state, or any athletic association thereof, or other association whether such institution or association be denominational, a state, county, or a municipal institution or association or a state, county or city school, or other institution, association, or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement, or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within the county, an amount of one percent of the gross receipts of any such business;

(c) Upon every person, firm, or corporation engaged or continuing within the county in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property an amount of one-third of one percent of the gross proceeds of the sale of such machines; provided that the term "machine" as herein used shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used;

(d) Upon every person, firm, or corporation engaged or continuing within the county in the business of selling at retail any automotive vehicle, truck trailer, semitrailer, or house trailer, an amount of one-third of one percent of the gross proceeds of sale of said automotive vehicle, truck trailer, semitrailer or house trailer; provided, however, where a person subject to the

tax provided for in this subsection withdraws from his stock in trade any automotive vehicle or truck, trailer, semitrailer or house trailer for use by him or by his employee or agent in the operation of such business, there shall be paid, in lieu of the tax levied herein, a fee of thirty cents (\$.30) per year or part thereof during which such automotive vehicle, truck trailer, semitrailer, or house trailer shall remain the property of such person; provided, that each such year or part thereof shall be deemed to begin with the day or anniversary date, as the case may be, of such withdrawal and shall run for the twelve succeeding months or part thereof during which such automotive vehicle, truck trailer, semitrailer or house trailer shall remain the property of such person; and provided further, that where any used automotive vehicle, truck trailer, semitrailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade; and

(e) Upon every person, firm, or corporation engaged or continuing within the county in the business of selling at retail any machine, machinery or equipment which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock or poultry on farms, and the parts of such machines, machinery or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery or equipment, and which are necessary to and customarily used in the operation of such machine, machinery or equipment, an amount equal to one-third of one percent of the gross proceeds of the sale thereof. Provided, however, the one-third of one percent rate herein prescribed with respect to parts, attachments, and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities.

Where any used machine, machinery or equipment which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery or equipment sold, less the credit for the used machine, machinery or equipment taken in trade; and

(f) Upon every person, firm, or corporation engaged or continuing within the county in the business of selling, through coin-operated dispensing machines, food and food products for human consumption, not including beverages other than coffee, milk, milk products and substitutes therefor, an amount of one percent of the cost of such food, food products and beverages sold through such machines, which cost for the purpose of this subsection (f) shall be the gross proceeds of sales of such business.

There are exempted, however, from the provisions of this section and from the computation of the amount of the taxes authorized to be imposed in this section, the gross receipts of any business and the gross proceeds of all sales which are presently exempted under the state sales tax statutes from the computation of the amount of the state sales tax.

Section 3. Levy of Use Tax. There is hereby levied and imposed an excise tax on the storage, use or other consumption of property in Cullman County as hereinafter provided in this section:

(a) An excise tax is hereby levied and imposed on the storage, use or other consumption in the county of tangible personal property (not including, however, materials and supplies bought for use in fulfilling a contract for the painting, repairing or reconditioning of vessels, barges, ships and other watercraft of more than 50 tons burden) purchased at retail on or after the effective date of such tax, for the storage, use or other consumption in the county on or after the effective date of such tax, at the rate of one percent of the sale price of such property, except as provided in subsection (b), (c), and (d) of this section;

(b) An excise tax is hereby levied and imposed on the storage, use or other consumption in the county of any machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property purchased at retail on or after the effective date of such tax for storage, use or other consumption in the county, at the rate of one-third of one percent of the sales price of any such machine; provided, that the term "machine," as used herein shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and are customarily so used;

(c) An excise tax is hereby levied and imposed on the storage, use or other consumption in the county of any automotive vehicle, truck trailer, semitrailer or house trailer purchased at retail on or after the effective date of such tax for storage, use or other consumption in the county at the rate of one-third of one percent of the sales price of such automotive vehicle, truck trailer, semitrailer or house trailer; provided, that where any used automotive vehicle, truck trailer, semitrailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax herein levied shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade; and

(d) An excise tax is hereby levied and imposed on the storage, use or other consumption in the county of any machine, machinery, or equipment which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock, or poultry on farms, and the parts of such machines, machinery, or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery, or equipment and which are necessary to and customarily used in the operation of such machine, machinery, or equipment, which is purchased at retail after the effective date of this ordinance, for the storage, use or other consumption in the county at the rate of one-third of one percent of the sales price of such property within the county, regardless of whether the retailer is or is not engaged in the business in this county. Provided, however, the one-third of one percent rate herein prescribed with respect to parts, attachments, and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities. Where any used machine, machinery or equipment which is used in planting, cultivating, and harvesting farm products or used in connection with the production of agricultural produce or products, livestock, and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery, or equipment the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery, or equipment sold, less the credit for the used machine, machinery, or equipment taken in trade; and

(e) An excise tax is hereby authorized to be levied and imposed on the classes of tangible personal property, and at not exceeding the rate authorized to be imposed on such classes, specified in subsection (a), (b), (c) or (d) of this section, on the storage, use or other consumption in the performance of a contract in the county of any such tangible personal property, new or used, the tax to be measured by the sales price or the fair and reasonable market value of such tangible personal property when put into use in the county, whichever is less; provided, however, the tax authorized to be imposed by this subsection shall not apply where the taxes imposed by subsections (a), (b), (c) or (d) of this section apply.

There are exempted from the provisions of this section, and from the taxes imposed by this section, the storage, use or other consumption of property the storage, use or other consumption of which is presently exempted under the state use tax statutes from the state use tax. Subject to those exemptions, every person storing or using or otherwise consuming in the county tangible personal property purchased at retail on or after the effective date of such taxes shall be liable for the taxes imposed by this section, and the liability shall not be extinguished until the tax has been paid by such person; provided, however, that a receipt from a registered seller given pursuant to Section 6 of this act to the purchaser of any property to be used, stored or consumed in the county shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer.

Section 4. Payment of Taxes Herein Levied; Reports by Taxpayers. The sales taxes levied in Section 2 hereof shall be due and payable in monthly installments on or before the twentieth day of the month next succeeding the month in which the tax accrues; and the use taxes levied in Section 3 hereof shall be due and payable quarterly on or before the twentieth day of the month next succeeding each quarterly period during which the storage, use or other consumption of the tangible personal property became taxable hereunder, each such quarterly period to end on the last day of each of the months of March, June, September, and December. The sales taxes levied in Section 2 of this act shall be paid to and collected by the State Department of Revenue at the same time as and along with the payment and collection of the state sales tax; and the use taxes levied in Section 3 of this act shall be paid to and collected by the State Department of Revenue at the same time as and along with the payment and collection of the state use tax. On or prior to the due dates of the taxes herein levied, each person subject to such taxes shall file with the State Department of Revenue a report or return in such form as may be prescribed by the said Department, setting forth, with respect to all sales and business that are required to be used as a measure of the sales taxes herein levied, a correct statement of the gross proceeds of all such taxes and the gross receipts of all such business, and setting forth, with respect to the use taxes levied herein the total sales price of all property, the use, storage or other consumption of which became subject to the said taxes during the then preceding quarterly period. Such report shall include all such other items of information pertinent to the said taxes and the amount thereof as the State Department of Revenue may require. Any person subject to the sales taxes levied herein may defer reporting credit sales until after their collection, and in the event he so defers reporting them, he shall thereafter include in each monthly report all credit collections made during the month preceding and shall pay the taxes due thereon at the time of filing such report. All reports or returns filed with the State Department of Revenue under this section shall be available for inspection by the governing body of the county or its designated agent at reasonable times during business hours.

Section 5. Sales Tax to be Added to Sales Price or Admission Fee. Each person engaging or continuing within the county in a business subject to the sales taxes levied in Section 2 hereof shall add to the sales price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer on account of said taxes. It shall be unlawful for any person subject to the sales taxes levied in the said Section 2 to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or the person paying the admission fee the amount herein required to be so added to the sales or admission price and collected from the purchaser, and it shall likewise be unlawful for any person subject to said taxes to refund or offer to refund all or any part of the amount so collected or to absorb or advertise directly or indirectly the absorption or refund of said taxes or any portion thereof.

Section 6. Special Provisions Respecting Payment of Use Tax; Receipts and Returns by Registered Sellers. Every registered seller making sales of tangible personal property for storage, use or other consumption in the county (which storage, use or other consumption is not exempted from the use taxes herein levied) shall at the time of making such sale, or if the storage, use or other consumption of such tangible personal property in the county is not then subject to the taxes herein levied, at the time such storage, use or other consumption becomes subject to the taxes herein levied, collect the tax from the purchaser, and shall give to the purchaser a receipt therefor in the manner and form prescribed by the State Department of Revenue. On the twentieth day of the month next succeeding following the close of each quarterly period, each registered seller shall file with the State Department of Revenue a return for the then preceding quarterly period in such form as may be prescribed by the State Department of Revenue showing the total sales price of the tangible personal property sold by such registered seller, the storage, use or other consumption of which became subject to the use taxes herein imposed, during the then preceding quarterly period; and each return shall be accompanied by a remittance of the amount of the use taxes required to be collected by such registered seller during the period covered by the return; provided that any registered seller may defer collecting the taxes with respect to credit sales until collection of the proceeds of such sales and may defer reporting credit sales until after their collection, but shall thereafter collect the said taxes along with collection of said credit sales, shall include in each quarterly report all credit collections made during the preceding quarterly period and shall remit the taxes with respect thereto at the time of filing such report or return. Any person who has paid to a registered seller the tax with respect to the use, storage or other consumption of tangible personal property in the county need not file a report or make any further payment of the said tax, but each person who purchases tangible personal property the storage, use, or other consumption of which is subject to the use taxes imposed herein, and who has not paid the said use taxes due with respect thereto to a registered seller, shall report and pay said use taxes as required by Section 4 hereof. It shall be unlawful for any registered seller to fail or refuse to add to the sales price and to collect from the purchaser the amount of the use taxes imposed herein or to refund or offer to refund or absorb, or to advertise directly or indirectly, the absorption of said use taxes or any portion thereof.

Section 7. Enforcement of This Act; Civil Suit; Taxes a Lien. The taxes imposed by this act shall constitute a debt due Cullman County and may be collected by civil suit, in addition to all other methods provided by law and in this Act. The said taxes, together with interest and penalties with respect thereto, shall constitute and be secured by a lien upon the property of any

person from whom said taxes are due or who is required to collect said taxes. All the provisions of the revenue laws of the state which apply to the enforcement of liens for license taxes due the state shall apply fully to the collection of the taxes herein levied, and the State Department of Revenue, for the use and benefit of the county as hereinafter specified, shall collect such taxes and enforce this Act and shall have and exercise for such collection and enforcement all rights and remedies that the State Department of Revenue has for collection of the State Sales Tax and the State Use Tax. The State Department of Revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the taxes levied by this act and otherwise to enforce the provisions of this Act, including the institution, prosecution and defense of any litigation involving this Act; and the said Department shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the taxes collected by it hereunder.

Section 8. Applicability of State Sales and Use Tax Statutes. All provisions of the State Sales Tax Statutes with respect to payment, assessment, and collection of the State Sales Tax, making of monthly reports and keeping and preserving records with respect thereto, interest after the due date of said tax, penalties for failure to pay the said tax, make reports or otherwise comply with the State Sales Tax Statutes, the promulgation of rules and regulations with respect to the State Sales Tax, and the administration and enforcement of the State Sales Tax Statutes, which are not inconsistent with the provisions of this Act, when applied to the sales taxes levied in Section 2 hereof, shall apply to the sales taxes levied in Section 2; and all provisions of the state use tax statutes with respect to payment, assessment and collection of the State Use Tax, making quarterly reports and keeping and preserving records with respect thereto, interest after the due date of the State Use Tax, penalties for failure to pay said tax, make reports or otherwise to comply with the State Use Tax Statutes, the promulgation of rules and regulations with respect to the State Use Tax and the administration and enforcement of the State Use Tax Statutes, which are not inconsistent with the provisions of this Act, when applied to the use taxes levied in Section 3 hereof, shall apply to the use taxes in the said Section 3. The Commissioner and the State Department of Revenue shall have and exercise the same powers, duties and obligations, with respect to the taxes herein levied, that are imposed on the Commissioner and the said Department by the State Sales Tax Statutes and the State Use Tax Statutes. All provisions of the State Sales Tax Statutes and the State Use Tax Statutes that are made applicable by this Act to the taxes herein levied and to the administration of this Act are incorporated herein by reference and made a part hereof as if fully set forth herein.

Section 9. The State Department of Revenue shall charge Cullman County for collecting the special county tax levied under this Act such amount or percentage of total collections as may be agreed upon by the Commissioner of Revenue and the Cullman County Commission, but such charge shall not, in any event, exceed ten percent of the total amount of the special county tax collected in said county under this Act. Such charge for collecting such special tax may be deducted each month from the gross revenues from such special tax before certification of the amount of the proceeds thereof due Cullman County for that month. The Commissioner of Revenue shall pay into the state treasury all tax collected under this Act, as such tax is received by the Department of Revenue, and on or before the first day of each successive month (commencing with the month following the month in which the Department makes the first collection hereunder) the Commissioner shall certify to the State Comptroller the amount of tax collected under the provisions of this Act and paid by him into the State

Treasury for the benefit of Cullman County during the month immediately preceding such certification. Provided, however, that before certifying the amount of the tax paid into the state treasury for the benefit of Cullman County during each month, the Commissioner may deduct from the tax collected in said month the charge due the Department for the collection of tax for the county. It shall be the duty of the Comptroller to issue his warrant each month payable to the County Treasurer of Cullman County in his official capacity in an amount equal to the amount so certified by the Commissioner of Revenue as having been collected for the use of the county.

Section 10. The one-half of one percent rates of tax levied on automotive vehicles, farm machinery, and manufacturing machines in Act No. 66, Second Special Session 1963 are hereby amended to rates of one-third of one percent. The one-half of one percent rates of tax levied on automotive vehicles, farm machinery, and manufacturing machines in Act No. 30, Special Session 1975 are hereby amended to rates of one-third of one percent.

Section 11. Effective concurrently with the effective date of the taxes levied by this Act the sales and use tax heretofore levied and collected by the City of Cullman is repealed.

Section 12. The proceeds of any taxes herein authorized to be levied shall be distributed as follows:

- (1) 45 percent to the general fund of the City of Cullman;
- (2) 15 percent to the general fund of Cullman County to be used by the County Commission;
- (3) 15 percent to the Cullman County Commission to the credit of the road fund;
- (4) 10 percent to the Cullman County Commission for use by the Cullman County Board of Education;
- (5) 10 percent to the municipalities of Cullman County except Cullman to be distributed on a population basis; and
- (6) 5 percent to the rural volunteer fire departments of the county, to be equally distributed among the following volunteer fire departments in Cullman County: Arkadelphia, Baileyton, Battle Ground, Berlin, Bethsadia, Bremen, Cold Springs, Crane Hill, Dodge City, Fairview, Garden City, Gold Ridge, Good Hope, Holly Pond, Johnson Crossing, Jones Chapel, Joppa, Logan, Loretto, Providence, Sardis, Trimble, Walter, and West Point.

The Hanceville Fire Department shall also receive a share of such proceeds equal to that received by each said volunteer fire department. Additionally volunteer fire departments may be designated to receive funds hereunder by resolution of the Cullman County Commission upon the recommendation of the Cullman County Volunteer Fire Department Association and the Cullman office of the Alabama Forestry Commission.

Section 13. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 15. This Act shall become effective on the first day of June, 1981.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Carter, Cates, Cheatwood, Cooley, Cosby, Crow, Drinkard, Gafford, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Holmes, Horn, Laird, Letson, McKee, Manley, Moore, Naramore, Nevett, Ray, Reed, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Trammell, Venable, Whatley, Willis, Wyatt and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 927. Relating to Cullman County; to levy and collect additional special county privilege license and excise taxes paralleling the state sales and use taxes provided for in Chapter 23 of Title 40, Code of Alabama 1975 as amended; to amend the rates of tax levied on the categories of automotive **vehicles, farm machinery, and manufacturing machines in Act No. 66, Second Special Session 1963 and Act No. 30, Special Session 1975**; providing for the collection and enforcement of such taxes by the State Revenue Department; providing for the distribution and use of the proceeds, providing penalties for violations of this Act; and repealing a sales and use tax heretofore levied and collected by the City of Cullman.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Albright, Barton, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Carter, Cates, Cheatwood, Cooley, Ford, Gafford, Goodwin, Greer, Grimsley, Hall, Hammett, Harvey, Holmes, Horn, Laird, Letson, Moore, Naramore, Olive, Rains, Ray, Reed, Sasser, Seibels, Shoemaker, Smith (C), Starkey, Trammell, Venable, Wyatt and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTION

The following resolution was introduced:

By Rep. Campbell:

H. J. R. 314. ESTABLISHING JOINT INTERIM COMMITTEE ON ELECTRICITY DISTRIBUTION.

WHEREAS, it is recognized that there are three principal distributors of electricity in Central and South Alabama, viz, investor-owned electric utilities, rural electric cooperatives and municipal electric systems; and

WHEREAS, it is the recognized policy of this State to avoid wasteful uneconomic duplication of electric facilities, the cost of which must be borne by the electric consumer; and

WHEREAS, it is deemed appropriate and desirable that the State establish and implement a procedure whereby territorial and/or duplication problems in the area of electric power distribution can be solved in a manner that is fair and equitable to the three principal distributors of electricity in order to (1) assure the most efficient economical and orderly rendition of electric service within the State of Alabama, (2) minimize the duplication of electric service, (3) encourage the extension and location of electric power delivery facilities in a manner most compatible with the State's economic development and enhancement of its physical environment, (4) to preserve the economic values inherent in electric power delivery facilities heretofore and hereafter lawfully constructed for electric power suppliers; and

WHEREAS, it is deemed desirable to resolve such territorial and/or duplication problems before the creation of a new electric power supplier; and

WHEREAS, it is the desire of the Legislature to establish a Joint Interim Committee to work with appropriate segments of the electric power industry in the State in an attempt to devise fair and equitable legislation protective of the legitimate purposes and economic considerations affecting each electric power supplier; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a Joint Interim Committee shall be established and conducted as follows:

1. The Committee shall consist of three members of the House of Representatives and three members of the Senate. The three members of the Committee from the House shall be appointed by the Speaker of the House and the three members from the Senate shall be appointed by the Lieutenant Governor. The members of the Committee shall choose a chairman.

2. The Committee shall have authority to employ research assistance. The Clerk of the House and the Secretary of the Senate shall provide secretarial assistance. The members of the Committee shall receive the same pay, per diem and travel expenses that is received when the Legislature is in session; provided, however, that the Committee shall not meet a total of more than ten days.

3. The Committee shall consult with appropriate representatives of investor-owned electric utilities, rural electric cooperatives and municipal electric systems outside the Tennessee Valley Authority service area and shall attempt, in working with them, to devise proposed legislation consistent with the recitals contained in the foregoing WHEREAS clauses. The Committee shall only propose legislation if it is able to devise fair and

equitable legislation satisfactory to investor-owned utilities, electric cooperatives and municipal electric systems operating in the State. If the Committee is unable to devise legislation satisfactory to these three industry segments, it shall propose no legislation. The Committee shall report any suggested legislation it may devise to the Legislature no later than February 1, 1982.

4. The Committee shall be funded from moneys appropriated to the use of the Legislature but its sole expenses shall not exceed the amount of \$7,000.

BE IT FURTHER RESOLVED, That the Legislature shall withhold consideration of any legislation which would create a new or additional electric power supplier within the State until the territorial and/or duplication problems cited in the foregoing WHEREAS clauses are resolved and fair and equitable legislation protective of the legitimate purposes and economic interests of existing electric power suppliers have been enacted.

BE IT FURTHER RESOLVED, That copies of this Resolution be provided to the Secretary of the Senate and the Clerk of the House of Representatives.

JOHN W. PEMBERTON,
Clerk.

The resolution, H. J. R. 314, was read and referred to the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

H. 515. To amend Section 22-14-16 of the Code of Alabama 1975, relating to the prohibition of storing, depositing or dumping nuclear spent fuel or other radioactive waste which is generated outside Alabama, so as to **provide for the exception of such material or waste used in Alabama.**

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 2.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Bennett, Boles, Brakefield, Buskey, Cabaniss, Carter, Cates, Clark (W), Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harvey, Horn, Johnson (R. G.), Kennedy, Laird, Letson, McKee, McMillan, Moore, Naramore, Nevett, Olive, Owens, Payne, Penry, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley, Willis, Wyatt and Zoghby.

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Nays: Reps. Cheatwood and Grouby.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolutions, to-wit:

H. 216. Relating to the manufacture of prescription drugs requiring the identification of drug products; providing for an exemption in the case of hardship; providing for the disclosure of descriptive information; providing for the adoption of rules; providing for an exemption for drug products compounded by a pharmacist in a pharmacy; providing an effective date.

Also:

H. 503. To promulgate "The Motor Vehicle Franchise Act" in order to provide for the regulation of motor vehicle manufacturers, distributors, wholesalers, dealers, and their representatives; to provide for the regulation of dealings and transactions between manufacturers and distributors or wholesalers and their dealers; to prohibit unfair and deceptive trade practices; and to prescribe remedies for violation of the provisions hereof.

Also:

H. 527. To license and regulate grain dealers under the State Department of Agriculture and Industries; to require posting of bonds by dealers for the benefit of producers; to provide for inspection and investigation of grain dealers' operations and provide for hearings and suspension or revocation of grain dealers' licenses.

Also:

H. 737. To amend Section 5-16-31, Code of Alabama 1975, which provides for reorganizations of savings and loan associations, so as to provide that existing mutual savings and loan associations operating in this state may convert from the mutual to the capital stock form of organization upon approval of the savings and loan Commissioner and upon approval by a majority vote of members attending a meeting called to consider conversion.

Also:

H. 809. To authorize the city of Tusculumbia to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within said city, or any accumulation of trash, rubbish, junk or debris, or any unsightly or dangerous walls, or any abandoned construction of any kind or nature, or motor vehicles or machinery not in operating condition, or any debris of a burned building, or any abandoned or unused swimming pool, or any abandoned wells or cisterns, to be a public nuisance and creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same.

Also:

H. J. R. 261. Relative to legislative meeting dates from Thursday, April 23 through Thursday April 30, 1981.

Also:

H. J. R. 274. COMMENDING THE EFFORTS OF MARCH AGAINST CRIME IN ITS CRUSADE FOR SAFETY ON BEHALF OF THE CITIZENS OF ALABAMA.

Also:

H. J. R. 302. RECOGNIZING THE IMPORTANCE OF THE PORT OF MOBILE CUSTOMS OFFICE TO THE ECONOMIC HEALTH OF THE ALABAMA ECONOMY AND URGING THAT THIS GREAT SERVICE PROVIDED BY THE MOBILE CUSTOMS OFFICE BE CONTINUED AND NOT BE INCLUDED IN THE CUTS PLANNED BY THE PRESIDENT AND CONGRESS.

Also:

H. J. R. 307. COMMENDING MR. FRANK J. SEGO, PROMINENT MONTGOMERY CIVIC LEADER AND MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL EXCHANGE CLUB.

Also:

H. J. R. 308. DESIGNATING APRIL 26, 1981, AS VIETNAM VETERANS RECOGNITION DAY.

Also:

H. J. R. 309. DESIGNATING H. B. 223 AS "THE CLARK-PARSONS CONSUMER PROTECTION LAW."

Also:

H. J. R. 310. NAMING THE ADMINISTRATIVE BUILDING AT THE COUNCIL TRENHOLM STATE TECHNICAL COLLEGE, "LUCIOUS W. SMILEY HALL."

Also:

H. J. R. 312. INVITING MR. JIMMY BUFFETT TO APPEAR IN PERFORMANCE BEFORE THE ALABAMA LEGISLATURE.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTIONS

The speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and House Joint Resolutions, the titles of which are set out in the above and foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

S. 105. To amend Section 41-16-50, Code of Alabama 1975, relating to competitive bids, so as to further require certain municipal and county boards to let competitive bids on certain service and rental contracts and in certain instances where cumulative contracts awarded to an individual or a business entity exceed a certain monetary amount; and to provide certain exceptions thereto.

said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FOR THE GOVERNOR

To The Senate
State Capitol
Montgomery, Alabama 36130

Gentlemen:

I transmit herewith a Message from the Governor concerning Senate Bill Number 105 without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,

WILLIAM JAMES SAMFORD, JR.,
Legal Advisor.

Done this 28th day of April, 1981.

To The Senate
State Capitol
Montgomery, Alabama 36130

Gentlemen:

I am returning to you, the Body in which it originated, Senate Bill Number 105 without my signature and approval and with the following suggested Executive Amendment.

On page 1 after the words "Enrolled, An Act," strike in its entirety the title of the bill and insert in lieu thereof the following:

"To amend the following sections of Title 41, Code of Alabama, 1975: Section 41-16-50, relating to competitive bids, so as to further require certain municipal and county boards to let competitive bids on certain service and rental contracts and in certain instances where cumulative contracts awarded to an individual or a business entity exceed a certain monetary amount, and to provide certain exceptions thereto; and Section 41-16-107, relating to contracts for sale of certain state property; providing that the provisions of Article 5 at Sections 41-16-100 through 41-16-109, Code of Alabama, 1975, as amended, shall not apply to the sale or disposal of tangible personal property by the State Highway Department when the purchaser or recipient is a county governing body or municipal governing body of this state."

Further amend the bill on page 1 in Section 1 by striking the first two lines of said section and inserting in lieu thereof the following:

"Section 1. Sections 41-16-50 and 41-16-107, Code of Alabama, 1975 are hereby amended to read as follows:"

Further amend the bill on page 2 in Section 1-(a)-2 on the seventh line of subsection (i) after the words and punctuation "boards, park boards," by inserting the following: "the Alabama State Fair Authority,"

Further amend the bill on page 3 in Section 1, after the last line in subsection "(ii)" by inserting the following:

"(iii) For the purposes of subsections (i) and (ii) above the term "instrumentalities of counties and municipalities" shall not include the county commission or municipal council, or municipal commission of the counties or

municipalities of this state and the provisions of subsections (i) and (ii) above shall have no application whatsoever to the expenditure of funds or contracts entered into by said county or municipal governing bodies."

Further amend the Bill on page 4 in Section 1 after subsection "c" by inserting the following:

"§41-16-107.

"(a). The provisions of this article shall not apply to the sale of diseased, storm or fire-damaged timber, nor shall it apply to timber cut on rights-of-way or easements. Such timber may be sold in such manner as the Commissioner of Conservation and Natural Resources deems in the best interest of the state; provided, that no sale of diseased timber shall be made until the state forester shall certify that such timber is diseased, and such certification shall be in written form and filed with the director of finance."

Further amend the Bill on page 4 in Section 1 after subsection (c) by striking the parentheses and letter "(d)" and inserting in lieu thereof: "(b)"

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,

FOB JAMES,
Governor.

And the Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, S. B. 105, by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 20, Nays 0.

And said Bill, S. B. 105, as thus amended by the Executive amendment, was again read at length and passed by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 21, Nays 0.

And said Bill, S. B. 105, together with the Executive amendment, is herewith sent to the House for its consideration.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Manley, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, S. 105, said Governor's amendment being set out in the above and foregoing Message from the Senate.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Barton, Bedsole, Blake, Boles, Brakefield, Buskey, Cabaniss, Campbell, Cates, Clark (W), Cosby, Crow, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Harper (O), Harrison, Holley, Holmes, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, McKee, Manley, Minus, Moore, Naramore, Olive, Owens, Payne, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Smith (C), Smith (J), Smith (M), Trammell, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

And the bill:

S. 105. To amend the following sections of Title 41, Code of Alabama, 1975: Section 41-16-50, relating to competitive bids, so as to further require certain municipal and county boards to let competitive bids on certain service and rental contracts and in certain instances where cumulative contracts awarded to an individual or a business entity exceed a certain monetary amount, and to provide certain exceptions thereto; and Section 41-16-107, relating to contracts for sale of certain state property; providing that the provisions of Article 5 at Sections 41-16-100 through 41-16-109, Code of Alabama, 1975, as amended, shall not apply to the sale or disposal of tangible personal property by the State Highway Department when the purchaser or recipient is a county governing body or municipal governing body of this state.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Barton, Bedsole, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Cates, Clark (W), Crow, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Harper (O), Harvey, Holley, Holmes, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Turnham, Venable, Ward, Whatley, Williams, Willis and Wyatt.

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H. 97 TEMPORARILY POSTPONED

The bill, H. 97, with Senate amendment was temporarily postponed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

S. 197. To create a Surface Mining Commission with responsibility and authority to conform the State's Regulatory requirements regarding surface mining activities with the Federal Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, 30 U. S. C. 1200 et. seq., and any valid regulation promulgated thereunder, and thereby enable the State of Alabama to assume exclusive jurisdiction over the regulation of surface coal mining and reclamation operations in this State; and thereby to prevent Federal intrusion into land use planning and control and other integral and traditional aspects of the sovereignty of the State of Alabama; and

To make the State eligible for Federal Funding to develop and implement programs to achieve those purposes essential to the best interests of the people of the State of Alabama and those purposes necessary to prevent further Federal encroachment upon those state's rights protected by the tenth amendment of the Constitution of the United States; and

To repeal Act No. 551, S. 887, Regular Session 1975 (Acts of Alabama 1975, p. 1226), The Alabama Surface Mining Reclamation Act of 1975, and all laws or parts of laws which conflict with this Act.

said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The Alabama Senate
State Capitol
Montgomery, Alabama

Gentlemen:

I transmit herewith a Message from the Governor concerning Senate Bill 197, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,

WILLIAM JAMES SAMFORD, JR.,
Legal Advisor.

Done this 22nd Day of April, 1981.

To The Alabama Senate
State Capitol
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, Senate Bill Number 197 without my signature and approval and with the following suggested Executive Amendment. This amendment would provide a mechanism for the pre-payment of civil penalties into an escrow account. Such a provision is required by federal law.

On page 98 of the bill in Section 26, subsection (c), line 14, after the word "person", delete the remainder of line 14 and delete lines 15 and 16 in their entirety and add in lieu thereof the following:

wishes to contest either the amount of the penalty or the fact of the violation, forward the proposed amount to the regulatory authority for placement in an escrow account. If through administrative or judicial review of the proposed penalty, it is determined that no violation occurred, or that the amount of the penalty should be reduced, the regulatory authority shall within thirty days remit the appropriate amount to the person, with interest at the rate of 6 percent, or at the prevailing Department of the Treasury rate, whichever is greater. Failure to forward the money to the regulatory authority within thirty days shall result in a waiver of all legal rights to contest the violation or the amount of the penalty.

The Adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,
FOB JAMES,
Governor.

And the Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, S. B. 197, by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 23, Nays 0.

And said Bill, S. B. 197, as thus amended by the Executive amendment, was again read at length and passed by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 23, Nays 0.

And said Bill, S. B. 197, together with the Executive amendment, is herewith sent to the House for its consideration.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Naramore, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, S. 197, said Governor's amendment being set out in the above foregoing Message from the Senate.

Yeas 65; Nays 4.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Cates, Clark (G), Clark (W), Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Harvey, Holley, Howard, Johnson (R. G.), Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Moore, Naramore, Owens, Patton, Payne, Pegues, Penry, Ray, Reed, Riddick, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Trammell, Turnham, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

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Nays: Reps. Cheatwood, Harrison, Jackson and Rains.

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And the bill, S. 197 as amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 70; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carter, Cates, Clark (G), Clark (W), Coburn, Cosby, Crow, Dial, Drinkard, Edwards, Escott, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Harper (O), Harvey, Holley, Holmes, Howard, Jackson, Johnson (R. G.), Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Trammell, Turner, Turnham, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

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Nays: Reps. Cheatwood and Harrison.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolution, your signature thereto is requested:

S. J. R. 108. CITING WILLIE JONES OF EUFAULA, ALABAMA, FOR EXTRAORDINARY BRAVERY.

Also:

S. 132. To amend Section 34-27-7, Code of Alabama 1975, which relates to the Real Estate Commission, so as to increase the membership of said commission.

Also:

S. 549. To authorize and provide for the promotion of the production, marketing, use and sale of cotton and cotton products by research, education, advertising and other methods; to prescribe a method whereby cotton producers may act jointly with handlers, ginnerers, buyers, processors, the state board of agriculture and industries, and others, for a promotional program; to provide that producers may by referendum levy upon themselves assessments for financing a promotional program and for the collection, disbursements and expenditures of funds collected from assessments; to provide for the regulations, requirements and authority relative thereto; to provide for refund of assessments; to prescribe duties of the commissioner of agriculture and industries and the state board of agriculture and industries with respect to a promotional program for the cotton producers of Alabama; to provide for the administration thereof by a commission, which is fairly and substantially representative of the producers of cotton throughout the state and to regulate the establishment of such commissions; to provide for collection and distribution of assessments; to require ginnerers of cotton to collect assessments levied under this act; and to prescribe other administrative, enforcement, promotional and penalty provisions.

Also:

S. 428. To make further provisions for the issuance of obligations by Alabama federal aid highway finance authority by amending article 10 of chapter 1 of Title 23 of the Code of Alabama of 1975 so as to provide for the issuance and use of proceeds of obligations of the authority for the purpose of anticipating and providing for not only the federal share of the cost of constructing interstate and defense highways but also for the purpose of anticipating and providing for the federal share of the costs of constructing state highways to the extent that the said highways constitute primary highways as defined in section 23-1-301; to delete the requirement that obligations be issued only for the purpose of providing funds to pay the federal share of the costs of constructing highway projects qualifying for reimbursement from the United States of America on a nine to one matching basis and to permit obligations of the authority to be issued and proceeds thereof to be expended for payment of any cost of constructing any interstate, defense or primary highway which is to be repaid or reimbursed to the state by the said United States pursuant to the written agreement provided for in this article; to amend section 23-1-300 of the said Code so as to provide that obligations of the authority shall be payable solely from federal-aid highway funds to be received during the federal fiscal years ending in 1978 through 1955 (rather than the federal fiscal years 1978 through 1983); to amend section 23-1-301 of

the said Code by (i) permitting the issuance of temporary bonds in coupon form, (ii) amending the definition of bond to include refunding bonds issued to refund outstanding obligations, (iii) amending the definition of note by further defining a note as an obligation which recites on its face that it is issued in anticipation of the sale by the authority of bonds and which is payable to the order of a named payee, and (iv) further defining a temporary bond as an obligation issued by the authority which recites on its face that it is issued in anticipation of the sale by the authority of bonds; to amend section 23-1-307 of the said Code by (i) deleting the provision of the said section which provides that the cost to be reimbursed by the federal government does not include the expense of borrowing or interest on obligations issued by the authority, and (ii) providing that the authority may from time to time sell and issue refunding bonds for the purpose of refunding any then outstanding obligations of the authority and to provide that the provisions of the said section limiting the aggregate principal amount of bonds to \$212,000,000 shall not apply to refunding bonds; to extend from eight to fifteen years the maximum permissible maturity date of bonds; to delete the requirement of section 23-1-310 of said Code that the bonds be sold only at public sale and at a price at least equal to their face value and to provide that any obligation of the authority may be sold either at public or private sale and at such prices as may be deemed most advantageous by the board of directors, but that none of the obligations may be sold for a price less than 97% of their par or face value; to exempt all obligations issued by the authority from the laws of the state governing usury or prescribing or limiting interest rates, including, but without limitation to, the provisions of chapter 8 of Title 8 of the code of Alabama of 1975; to amend section 23-1-313 of the said Code by (i) deleting the prohibition with respect to the use of the proceeds of obligations of the authority for payment of fees of fiscal agents or financial consultants, and (ii) providing that proceeds of refunding bonds may be used for payment of principal of and interest on any outstanding obligations of the authority and for payment of any redemption premium necessary in order to redeem or retire the said outstanding obligations; to amend section 23-1-314 of the said Code by (i) extending the period for which funds to be received by the state from the United States government may be pledged to the federal fiscal year ending in 1995, and (ii) providing that the said funds received from the federal government during and federal fiscal year should be set aside to pay not only those obligations of the authority which mature during such federal fiscal year but also any obligations which are subject to mandatory redemption by the authority during any such federal fiscal year; and to make certain other clarifying changes and to correct certain typographical errors.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolution, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 97. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Auctioneers as provided in Sections 34-4-1 through 34-4-54 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-4-21, 34-4-24, 34-4-25, 34-4-30 and 34-4-50 of the Code of Alabama 1975 so as to provide for a \$50.00 fee from applicants under reciprocal agreements; authorize the board to raise license fees up to \$100.00; increase surety bond amounts from \$1,000.00 to \$10,000.00; provide further for the licensing requirements of non-residents; remove subpoena power from the board in hearings procedure and require all members of the board to be licensed auctioneers.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Dial, the House concurred in and adopted the Senate amendment to the bill, H. 97, said Senate amendment being as follows:

Amend House Bill 97, page 10, line 11, by adding a new sentence after the word "originals.":

"No person on the Board of Auctioneers shall be eligible to conduct auctions which affect state, county or municipal property."

Amend House Bill 97, page 1, line 28, by striking out the figure "\$100.00" after the word "to" and inserting in lieu thereof the figure "\$70.00"

Further amend House Bill 97, page 4, line 35, by striking the figure "\$100.00" after the word "exceed" and inserting in lieu thereof the figure "\$70.00"

Amend House Bill 97, page 2, line 32, by changing the figure "\$50.00" to "\$70.00"

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Albright, Blake, Boles, Bowling, Brakefield, Cabaniss, Carter, Cates, Clark (G), Clark (W), Coburn, Cosby, Crow, Dial, Drinkard, Edwards, Escott, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Johnson (R. G.), Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Moore, Olive, Patton, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Trammell, Turner, Waggoner, Warren, Williams, Willis and Wyatt.

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And the bill:

H. 97. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Auctioneers as provided in Sections 34-4-1 through 34-4-54 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-4-21, 34-4-24, 34-4-25, 34-4-30 and 34-4-50 of the Code of Alabama 1975 so as to provide for a \$50.00 fee from applicants under reciprocal agreements; authorize the board to raise license fees up to \$70.00; increase surety bond amounts from \$1,000.00 to \$10,000.00; provide further for the licensing requirements of non-residents; remove subpoena power from the board in hearings procedure and require all members of the board to be licensed auctioneers.

As thus amended, was again read at length and passed.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Carter, Cates, Clark (G), Clark (W), Coburn, Cosby, Crow, Dial, Drinkard, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Johnson (R. G.), Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Moore, Olive, Patton, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Trammell, Turner, Waggoner, Warren, Williams, Willis and Wyatt.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. deGraffenried:

S. 146. To amend Sections 12-16-58, 12-16-70, 12-16-74, 12-16-76, 12-16-100 to provide for the drawing, selecting, empaneling, and summoning of juries in both civil and criminal cases; to provide a random selection formula for filling the master jury box; to abolish the requirements of a special venire and that excusals be heard in the presence of the defendant; to provide for a minimum number of qualified jurors from which to strike in criminal cases and to provide for the number of strikes available to the district attorney and the defendant; and further to provide for an optional combined qualification and summons process from the master list that, notwithstanding any provisions of Title 12, Section 16, Code of Alabama 1975, which eliminates the master jury box and modifies the juror qualification process; to provide for computerization of the selection process; and to repeal Sections 12-16-71, 12-16-75, 12-16-77, 12-16-79, 12-16-102, 12-16-120, 12-16-121, 12-16-122, 12-16-123, 12-16-124, 12-16-125, 12-16-126, and 12-16-127, Code of Alabama 1975.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 146. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Goodwin:

S. 39. To exempt Alabama Sheriffs' Boys' and Girls' Ranches, Inc., from the payment of all state, county, and municipal sales and use taxes and to provide for retroactive effect.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 39. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Mitchem (With Notice and Proof):

S. 597. Relating to Marshall County; to provide that the county commission may levy and collect a severance tax on coal at a rate established by such county commission; to provide that such tax shall be in addition to any state severance tax; to provide how the funds from such tax shall be expended; to provide for the collection of such severance tax; and to repeal conflicting laws.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 597, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Mitchem (With Notice and Proof):

S. 589. Relating to Marshall County; to provide for an increase in salary for the members of the board of equalization of said county.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 589, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Mitchem (With Notice and Proof):

S. 590. Relating to Marshall County; to provide for an increase in salary for the members of the jury commission of said county.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 590 , AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 597. Local Legislation No. 1.

S. 589. Local Legislation No. 1.

S. 590. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. deGraffenried:

S. 34. To provide that any person, who is a retired teacher and retired under the provisions of the Teachers' Retirement System of Alabama, and who subsequent to said retirement becomes the Acting President of the University of Alabama, may elect to resume his participation in the Teachers' Retirement System of Alabama.

Also:

By Mr. McDonald:

S. 164. To authorize the investigators of the State Board of Medical Examiners to enforce the provisions of the Alabama Uniform Controlled Substances Act and to grant to such investigators the powers of peace officers in the performance of their duties.

Also:

By Mr. Little:

S. 187. To authorize the State Board of Pardons and Paroles to establish a program that will allow the expenditure of state funds for employee incentive awards.

Also:

By Mr. Glass:

S. 287. To Amend Section 26-12-7, of the Code of Alabama 1975, so as to change the time limitation within which proceedings may be brought under this Act.

Also:

By Mr. deGraffenried:

S. 291. To provide for the confidentiality of all written materials and activities concerning the accreditation, quality assurance, or similar function of any hospital, clinic, or medical staff.

Also:

By Mr. St. John:

S. 364. To further regulate interest rates on life insurance policy loans and to provide for any conflicts between the provisions of this bill and Section 27-15-5, Code of Alabama 1975.

Also:

By Mr. Kirkland:

S. 382. To amend Section 9-11-235.1 of the Code of Alabama 1975 so as to provide further for taking or hunting raccoons or opossums at night.

Also:

By Mr. Vacca:

S. 385. To amend sections 1-100, 3-110, 4-106, 5-107, 9-106, and 9-102 of Act No. 80-434, S. 2, Regular Session 1980 (Acts of Alabama 1980, p. 604), entitled, "Alabama Rules of the Road Act" providing rules of highway and traffic safety, establishing general rules relating to the effect of traffic laws, establishing certain traffic laws and penalties for the violation thereof, providing for the establishment of traffic signs, signals and markings, and providing for certain powers of the state highway department and the department of public safety of this state; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

Also:

By Mr. Britnell:

S. 395. To amend Code of Alabama 1975, Section 16-25-11, which relates to the Teachers' Retirement System; and Section 36-27-11 which relates to the Employees' Retirement System amending said sections so as to extend the period of eligibility for purchasing credit for previously withdrawn service; to provide a period of one year after October 1, 1981, for retired members to purchase credit for service previously withdrawn or terminated due to five years absence from service.

Also:

By Mr. Mitchem:

S. 501. To amend section 2-3A-7, Code of Alabama 1975, to authorize the Alabama Agricultural Development Authority to invest its funds in additional ways.

Also:

By Mr. Smith:

S. 526. To amend sections 34-31-1, 34-31-3, 34-31-5, 34-31-7, 34-31-8, 34-31-9, 34-31-12, 34-31-15, and 34-31-16 of the 1978 supplement to the 1975 Code of Alabama so as to: (1) Clarify the definition of Regulated Contractor; (2) Exclude Professional Engineers, Professional Architects and certain Registered Contractors from this regulation; (3) Regulate roofing contractors involved in commercial roofing only; (4) Make the language of the Chapter consistent throughout; (5) Change the renewal date for Certification; (6) Change the number of required board meetings from monthly to bi-monthly; (7) Define a license and permit bond;

Also:

By Messrs. Robertson and Barron:

S. 198. To provide longevity pay for certain employees in the classified service of the state; to prescribe the amount of such pay and the manner of its payment; and to appropriate funds for the purposes of the act.

Also:

By Mr. Miller:

S. 455. To amend Sections 34-29-4, 34-29-20, 34-29-23, 34-29-41 and 34-29-45, Code of Alabama 1975, which relate to the Alabama Board of Veterinary Medical Examiners, so as to provide further for the term and compensation of the members of the board and to increase the fees of the board.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 34. Ways and Means.
- S. 164. Judiciary.
- S. 187. Ways and Means.
- S. 287. Judiciary.
- S. 291. Judiciary.
- S. 364. Ways and Means.
- S. 382. Natural Resources.
- S. 385. Highway Safety.
- S. 395. Ways and Means.
- S. 501. Agriculture and Forestry.
- S. 526. State Administration.
- S. 198. Ways and Means.
- S. 455. Health.

SPECIAL ORDER RESUMED

And the bill:

H. 758. To amend Section 40-23-4, Code of Alabama 1975, which provides for exemptions from sales taxation, so as to include aircraft manufactured and sold, but not domiciled in the State within the exemption.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 10.

Yeas:

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Biddle, Boles, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Clark (G), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Gregg, Grouby, Hammett, Harper (T), Holmes, Kelley, Laird, Langford,

Lewis, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Owens, Parker, Pegues, Penry, Rains, Ray, Sasser, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Willis and Wyatt.

—62

Nays:

Reps. Albright, Blake, Cheatwood, Hall, Harrison, Holley, Howard, Jackson, Johnson (Roy) and Olive.

—10

CO-SPONSORS ADDED

Reps. Sasser and Sandusky were added to the bill, H. 758, as co-sponsors.

MOTION TO ADJOURN LOST

The motion offered by Rep. Harrison that the House adjourn until 2:00 o'clock p. m., Wednesday, April 29, 1981, was lost.

Yeas 24; Nays 49.

Yeas:

Reps. Amari, Blake, Brakefield, Cheatwood, Clark (G), Cobb, Crow, Dial, Harper (O), Harvey, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Lewis, Manley, Minus, Moore, Nevett, Sasser, Smith (M), Trammell, Tucker and Turner.

—24

Nays:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Biddle, Cabaniss, Campbell, Carter, Cates, Coburn, Cosby, Daniels, Dixon, Drinkard, Gafford, Goodwin, Greer, Gregg, Grouby, Hall, Hammett, Harper (T), Holley, Holmes, Jackson, Laird, Langford, McKee, McMillan, Olive, Owens, Parker, Payne, Penry, Rains, Ray, Sandusky, Shavers, Smith (C), Starkey, Stewart, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—49

SPECIAL ORDER RESUMED

And the bill:

H. 652. Relating to the state merit system; to further provide for the adoption of new classification and compensation plans for the state service, or changes in sick leave policies.

Was taken up.

AMENDMENT OFFERED

Rep. McKee offered the following amendment to the bill, H. 652:

Amend H. B. 652 on page 1, Section 1, line 22, following the word "employees" by inserting the following: "resulting from the 1980-81 Pay and Classification Study."

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AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 66; Nays 2.

Yeas:

Mr. Speaker, Adams (C, Adams (H), Barton, Bedsole, Blake, Bowling, Brakefield, Buskey, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Penry, Rains, Ray, Riddick, Roberts, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Warren, Willis and Wyatt.

—66

Nays:

Reps. Howard and Shavers.

—2

AMENDMENT OFFERED

Rep. Harrison offered the following amendment to the bill, H. 652 as amended:

Add on line 28, Section 1, the following "House." Start a new sentence. The said joint committee shall terminate at the presentation of the joint resolution on the pay plan and classification study.

AMENDMENT ADOTPED

And the amendment was adopted.

Yeas 80; Nays 0..

Yeas:

Reps. Adams (C), Adams (H), Albright, Amari, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Dixon, Drinkard, Edwards, Escott, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Letson, McKee, McMillan, Minus, Mitchell, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Tucker, Turner, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—80

And the bill, H. 652, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter,

Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Payne, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Warren, Whatley, Williams, Willis and Wyatt.

—85

CO-SPONSORS ADDED

Reps. Smith (J) and Rains, and all members of the House were added as co-sponsors to the bill, H. 652.

And the bill:

H. 593. (With Amendment): To authorize the State Industrial Development Authority to sell and issue from time to time its bonds not exceeding \$3,000,000 in principal amount in addition to those heretofore authorized to be issued by it; to prescribe certain additional powers and duties of the Authority, including the power to make grants from the proceeds of the said additional bonds to counties, municipalities, and local industrial development boards, subject to certain limitations for the purposes of making certain local surveys incidental to industrial development and to grade and drain industrial sites and the means of access thereto; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Section 40-25-2 and 40-25-23, Code of Alabama 1975, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 593 in Section 6, on page 11, line 20 by inserting after "Section 40-25-23" the following: "(1) b 1."

And the amendment was adopted.

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Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Crow, Dial, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Payne, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—83

And the bill, H. 593, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Crow, Daniels, Dial, Drinkard, Edwards, Escott, Ford, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Parker, Payne, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

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REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House bill, to-wit:

H. 537. To make further provisions for the issuance of obligations by the Alabama Highway Finance Corporation by amending Article 7 of Chapter 1 of Title 23 of the Code of Alabama, 1975, as amended, so as to exempt all obligations issued by the Corporation from the laws of the State governing usury or prescribing or limiting interests rates including but without limitation to the provisions of Chapter 8 of Title 8 of the Code of Alabama, 1975.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length

having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 97. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Auctioneers as provided in Sections 34-4-1 through 34-4-54 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-4-21, 34-4-24, 34-4-25, 34-4-30 and 34-4-50 of the Code of Alabama 1975 so as to provide for a \$50.00 fee from applicants under reciprocal agreements; authorize the board to raise license fees up to \$70.00; increase surety bond amounts from \$1,000.00 to \$10,000.00; provide further for the licensing requirements of non-residents; remove subpoena power from the board in hearings procedure and require all members of the board to be licensed auctioneers.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length **having been dispensed with by a two-thirds vote of a quorum present**, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MOTION TO ADJOURN LOST

The motion offered by Rep. Holley that the House adjourn until 2:00 o'clock p. m., Wednesday, April 29, 1981, was lost.

Yeas 42; Nays 46.

Yeas:

Reps. Adams (C), Blake, Brakefield, Buskey, Carter, Cates, Cheatwood, Clark (G), Cobb, Crow, Daniels, Dial, Drinkard, Edwards, Escott, Ford, Grouby, Harper (O), Holley, Horn, Howard, Jackson, Kelley, Kennedy, Laird, Minus, Mitchell, Nevett, Olive, Parker, Rains, Reed, Sasser, Smith (C), Smith (M), Tucker, Turner, Venable, Ward, Warren, Whatley and Williams.

—42

Nays:

Mr. Speaker, Albright, Amari, Barton, Bedsole, Biddle, Campbell, Carothers, Clark (W), Coburn, Cooley, Dixon, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Hall, Hammett, Harper (T), Holmes, Johnson (R. G.), Johnson (Roy), Langford, Letson, Lewis, McMillan, Manley,

Moore, Naramore, Owens, Patton, Payne, Penry, Roberts, Sandusky, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stout, Turnham, Waggoner and Wyatt.

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SPECIAL ORDER RESUMED

And the bill:

S. 317. To further regulate the sale of alcoholic beverages under the supervision of the Alabama Alcoholic Beverage Control Board in each municipality, in each county, and in state parks; to authorize referendum elections in each municipality, except Class 8 municipalities, to determine if the sale of alcoholic beverages within the corporate limits will be allowed or if the sale of alcoholic beverages within the corporate limits will be prohibited, upon the petition of 25% of the number of registered voters casting a ballot in the last municipal election in said municipality; to provide that a period of not less than 720 days must elapse between the dates of such referendum elections; to provide that the governing authority of each municipality must approve each retail alcoholic beverage license application location within the corporate limits and the governing authority of the county must approve each retail alcoholic beverage license application outside the corporate limits but within the county before the Alabama Alcoholic Beverage Control Board has the authority to issue a retail alcoholic beverage license; to provide that the Alabama Alcoholic Beverage Control Board may issue, with the approval of the Commissioner of the Department of Conservation and Natural Resources, a special retail license to any state park, in wet counties only, in Alabama or the franchisees or concessionaires of state parks; and to further provide that the Commissioner of the Department of Conservation and Natural Resources may establish the hours of sale of alcoholic beverages in state parks.

Was taken up.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Holley to indefinitely postpone the bill, S. 317, was lost.

Yeas 41; Nays 42.

Yeas:

Reps. Adams (C), Adams (H), Blake, Brakefield, Carter, Cates, Cheatwood, Cobb, Cooley, Cosby, Crow, Dial, Edwards, Gilmer, Grimsley, Grouby, Hammett, Harper (O), Harvey, Holley, Howard, Laird, McKee, Mitchell, Nevett, Olive, Parker, Pegues, Rains, Ray, Riddick, Sasser, Smith (C), Smith (M), Turnham, Venable, Ward, Warren, Williams, Willis and Wyatt.

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Nays:

Mr. Speaker, Albright, Amari, Barton, Bedsole, Bennett, Buskey, Cabaniss, Clark (W), Coburn, Dixon, Gafford, Goodwin, Greer, Gregg, Harper (T), Harrison, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Lewis, McMillan, Moore, Owens, Patton, Payne, Roberts, Sandusky, Seibels, Shavers, Shoemaker, Starkey, Stewart, Stout, Trammell, Turner, Waggoner and Zoghby.

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RESOLUTION

The following resolution was introduced:

By Reps. Carothers and Grimsley:

H. J. R. 315 HONORING MR. EDMOND BURK HICKMAN, DIRECTOR OF THE DOTHAN HIGH SCHOOL BAND.

WHEREAS, Mr. Edmond Burk Hickman is a graduate of John Carroll High School of Birmingham, Alabama, and of the University of Alabama where he was a four-year member of the famous "Million Dollar Band"; and

WHEREAS, following his graduation in 1967, Ed Hickman became associated with the Dothan City Schools as Band Director at Young Junior High School; the following year he was named Director of the Band at Dothan High School where he has remained for the past 13 years and during which time band membership has more than doubled; and

WHEREAS, during Mr. Hickman's tenure at Dothan High, his bands have received numerous superior ratings in competition with other marching bands, and his Jazz Bands have been rated "superior" for the past 13 years and also received the 1975 President's Award from George C. Wallace State Community College; and

WHEREAS, Ed Hickman has been especially active in the Alabama Band Masters Association, having served both as District and as Regional Chairman of that professional organization, and he has authored several articles published in national music educators' magazines; and

WHEREAS, he has served as Chairman of the Dothan High School Fine Arts Department for the past three years, has appeared several times as guest soloist with the Birmingham Symphony Orchestra and has served as Director of the Tri-State Summer Pops Band for Youth since 1975; and

WHEREAS, in addition to providing countless arrangements for his bands through the years, Ed Hickman also provided leadership and assistance for a movie which was written, produced, edited and directed by a group of his students; and

WHEREAS, Mr. Hickman, who will be leaving Dothan at the end of this school year for post-graduate study in pursuit of advanced degrees, has earned the love and respect of the entire community for his years of dedicated service not only to the youth of Dothan, but to Alabama and the Southeast as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and honor Mr. Edmond Burk Hickman on his exceptional stature as a music educator and sincerely wish him every future success.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. Hickman at the Band's Spring Concert on May 12, 1981.

The resolution, H. J. R. 315, was read and referred to the Standing Committee on Rules.

S. 317 RESUMED

AMENDMENT OFFERED

Rep. Roberts offered the following amendment to the bill, S. 317:

On page 2, on the 4th line of language delete the phrase:
, except Class 8 municipalities.

On page 3, on the 3rd line of language delete the phrase:
, except Class 8 municipalities,

MOTION TO TABLE LOST

The motion offered by Rep. Cabaniss to table the amendment offered by Rep. Roberts to the bill, S. 317, was lost.

Yeas 46; Nays 46.

Yeas:

Mr. Speaker, Albright, Amari, Bedsole, Bennett, Cabaniss, Campbell, Carothers, Cobb, Coburn, Cooley, Dixon, Escott, Gafford, Gilmer, Goodwin, Greer, Gregg, Harper (T), Harrison, Holmes, Horn, Johnson (R. G), Johnson (Roy), Kennedy, Laird, Langford, Lewis, McMillan, Manley, Owens, Patton, Payne, Penry, Reed, Sandusky, Seibels, Shavers, Starkey, Stewart, Stout, Trammell, Tucker, Waggoner, Whatley and Zoghby.

—46

Nays:

Reps. Adams (C), Adams (H), Barton, Blake, Brakefield, Buskey, Cates, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Dial, Drinkard, Edwards, Grimsley, Grouby, Hall, Harper (O), Harvey, Holley, Howard, Kelley, Letson, McKee, Minus, Mitchell, Moore, Nevett, Olive, Parker, Pegues, Rains, Ray, Roberts, Sasser, Shoemaker, Smith (C), Smith (M), Turnham, Venable, Ward, Warren, Williams, Willis and Wyatt.

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AMENDMENT LOST

The question was then on the amendment offered by Rep. Roberts to the bill, S. 317, and the amendment was lost.

Yeas 38; Nays 47.

Yeas:

Reps. Adams (C), Blake, Brakefield, Cates, Cheatwood, Clark (G), Cosby, Crow, Dial, Drinkard, Edwards, Grimsley, Grouby, Hall, Holley, Howard, Johnson (Roy), McKee, Minus, Moore, Nevett, Olive, Parker, Payne, Pegues, Ray, Sasser, Shoemaker, Smith (C), Smith (M), Trammell, Turnham, Venable, Ward, Warren, Williams, Willis and Wyatt.

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Nays:

Mr. Speaker, Albright, Amari, Barton, Bedsole, Bennett, Boles, Cabaniss, Campbell, Carothers, Clark (W), Cobb, Coburn, Cooley, Dixon, Escott, Gafford, Gilmer, Goodwin, Greer, Gregg, Harper (T), Harrison, Harvey,

Holmes, Horn, Johnson (R. G.), Laird, Langford, Letson, Lewis, McMillan, Mitchell, Owens, Patton, Penry, Reed, Sandusky, Seibels, Shavers, Starkey, Stewart, Stout, Tucker, Waggoner, Whatley and Zoghby.

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AMENDMENT OFFERED

Rep. Clerk (G) offered the following amendment to the bill, S. 317:

On page 2, on the fourth line of language, after the word "municipalities," insert the language:

provided however if any such county shall not have a class 8 municipality within such county shall be covered by the provisions of this act,

On page 3, on the third line of language, after the word "municipalities," insert the language:

provided however if any such county shall not have a class 8 municipality within said county, then the largest municipality within such county shall be covered by the provisions of this act,

AMENDMENT TABLED

On motion of Rep. Cabaniss, the amendment offered by Rep. Clark (G) to the bill, S. 317, was tabled.

Yeas 54; Nays 32.

Yeas:

Mr. Speaker, Albright, Amari, Barton, Bedsole, Bennett, Boles, Buskey, Cabaniss, Campbell, Carothers, Clark (W), Cobb, Coburn, Cooley, Dixon, Drinkard, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Harper (T), Harvey, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Lewis, McMillan, Mitchell, Owens, Patton, Payne, Penry, Reed, Roberts, Sandusky, Seibels, Shavers, Smith (C), Starkey, Stewart, Stout, Waggoner, Whatley and Zoghby.

—54

Nays:

Reps. Adams (C), Blake, Brakefield, Carter, Cates, Clark (G), Cosby, Crow, Dial, Edwards, Grimsley, Grouby, Hall, Harper (O), Harrison, Howard, Kelley, McKee, Minus, Nevett, Pegues, Ray, Riddick, Sasser, Smith (M), Turnham, Venable, Ward, Warren, Williams, Willis and Wyatt.

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CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

REGULAR SESSION
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Delivered to the Governor at 2:35 P. M. on April 28, 1981.

H. 47

H. 383

H. 657

H. 742

H. J. R. 299

H. J. R. 289

H. J. R. 293

H. J. R. 296

Delivered to the Governor at 5:00 P. M. on April 28, 1981.

H. 216

H. 503

H. 527

H. 737

H. 809

H. J. R. 261

H. J. R. 274

H. J. R. 302

H. J. R. 307

H. J. R. 308

H. J. R. 309

H. J. R. 310

H. J. R. 312

Delivered to the Governor at 5:40 P. M. on April 28, 1981.

H. 537

H. 97

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Cates and pursuant to the resolution, H. R. 304, heretofore adopted, the House adjourned until 2:00 o'clock p. m., Wednesday, April 29, 1981.

Yeas 57; Nays 44.

Yeas:

Reps. Adams (C), Adams (H), Blake, Brakefield, Buskey, Carter, Cates, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Crow, Dial, Drinkard, Edwards,

Escott, Ford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Howard, Jackson, Kelley, Kennedy, Laird, McKee, Minus, Mitchell, Moore, Nevett, Olive, Parker, Payne, Pegues, Rains, Ray, Reed, Riddick, Sasser, Smith (C), Smith (M), Trammell, Turner, Turnham, Venable, Ward, Warren, Williams, Willis and Wyatt.

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Nays:

Mr. Speaker, Albright, Amari, Barton, Bedsole, Bennett, Biddle, Boles, Cabaniss, Campbell, Carothers, Clark (W), Coburn, Dixon, Gafford, Goodwin, Greer, Gregg, Harrison, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Langford, Letson, Lewis, McMillan, Naramore, Owens, Patton, Penry, Roberts, Sandusky, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Tucker, Waggoner, Whatley and Zoghby.

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TWENTY-FIFTH DAY

House of Representatives
Montgomery, Alabama
Wednesday, April 29, 1981

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend W. L. Childs, Pastor, Parkway Baptist Church, Auburn, Alabama

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-fourth legislative day and finds the same to be correct.

JACK BIDDLE,
Chairman.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Manley to suspend the rules in order to dispense with the reading of the Journal of the House at length for the twenty-fourth legislative day, and to concur in and adopt the Report of the Standing Committee on Rules, was lost, lacking a four-fifths vote.

Yeas 71; Nays 21.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Biddle, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Coburn, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (T), Horn, Jackson, Johnson (R. G.), Kelley, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

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Nays:

Reps.: Albright, Blake, Boles, Buskey, Cheatwood, Clark (W), Cooley, Cosby, Crow, Escott, Ford, Holley, Holmes, Howard, Johnson (Roy), Kennedy, Langford, Nevett, Rains, Tucker and Wyatt.

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And the Journal of the House for the twenty-fourth legislative day was read at length.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Messrs. Proctor, Higginbotham and Bailey:

S. 93. To authorize the creation of Alabama Municipal Electric Authority as a public corporation of the State of Alabama; to authorize the Authority, as sole owner or in common with others, to acquire, construct, reconstruct, improve, equip, alter, repair, place into operation, operate, maintain and dispose of projects embracing generation, transmission and distribution of bulk electric power and energy and to acquire, construct, and equip all property and things necessary or convenient for the purposes of the projects and the acquisition, construction, maintenance, and operation

thereof; to authorize the Authority to enter into contracts providing for the prepayment by the Authority of charges for bulk electric power and energy; to confer powers, including, among others, the power of eminent domain (subject to certain limitations), and the power to employ personnel and contract for indemnification of its officers, employees, and the members of the board of directors of the Authority; to impose duties on the Authority; to provide for the membership and operation of the Authority; to establish an election committee to elect the board of directors of the Authority; to establish the board of directors of the Authority; to authorize the Authority and municipalities, municipal electric utility boards and public corporations owning or operating electric distribution systems to execute contracts for the sale of the output, capacity, use or service of the projects and to enforce the performance thereof and to specify the wholesale character of such sales; to authorize the Authority to enter into interconnection arrangements with certain persons; to authorize the Authority to fix and revise rates and other charges with respect to the output, capacity, use or service of projects and require that those rates or charges be sufficient, along with other revenues and funds of the Authority, to meet certain expenses; to authorize the issuance and to provide for the negotiability of bonds, bond anticipation notes and notes of the Authority payable from the revenues and other available funds of the Authority to pay the costs of the projects; to authorize the collecting and pledging of revenues and other funds and assets of the Authority for the payment of the bonds, bond anticipation notes and notes for the cost of operating, maintaining, and repairing the projects; to authorize the execution of trust and security instruments relating to the Authority's property to secure the payment of the bonds; to provide rights for the owners of the bonds, bond anticipation notes, and notes; to provide for the appointment of a receiver upon certain events; to provide that the bonds shall not constitute a debt of the State nor of any municipality, municipal electric utility boards or public corporations owning or operating an electric distribution system; to **make the bonds legal investments and to exempt the bonds, bond anticipation notes and notes, and the income therefrom and interest thereon, along with all income and property (and filings with respect thereto) of the Authority from taxation; to provide for certain payments to be made by the Authority in lieu of ad valorem, sales, use, license and severance taxation; to exempt the bonds, bond anticipation notes and notes from the provisions of the State's usury laws; to exempt the purchase, sale or use of property by the Authority from all sales, use and license taxes in the State; to authorize the issuance of refunding bonds; to provide for validation of the bonds and the security therefor and any contracts related thereto; to provide that all funds received by the Authority shall be trust funds to be applied only as provided in this Act; to authorize the issuance of bond anticipation notes and notes and provide for the payment and terms thereof; to exempt the Authority from the provisions of the Public Service Commission law; to exempt the construction, operation or acquisition of electric light plants by the Authority from the provisions of Sections 37-4-60 through 37-4-65, Code of Alabama 1975; to fix the jurisdiction of actions relating to any provisions of this Act; to provide for the dissolution of the Authority; to exempt the Authority from the operation of the Alabama Sunset Law of 1976, and from the competitive bid laws contained in the Code of Alabama 1975; to repeal all laws and parts of laws in conflict herewith; to provide for the severability of the provisions of this Act; and to provide an effective date for this Act.**

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 93. Commerce, Transportation and Utilities.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 105. To amend Section 41-16-50, Code of Alabama 1975, relating to competitive bids, so as to further require certain municipal and county boards to let competitive bids on certain services and rental contracts and in certain instances where cumulative contracts awarded to an individual or a business entity exceed a certain monetary amount, and to provide certain exceptions thereto.

To amend the following sections of Title 41, Code of Alabama, 1975: Section 41-16-50, relating to competitive bids, so as to further require certain municipal and county boards to let competitive bids on certain service and rental contracts and in certain instances where cumulative contracts awarded to an individual or a business entity exceed a certain monetary amount, and to provide certain exceptions thereto; and Section 41-16-107, relating to contracts for sale of certain state property; providing that the provisions of Article 5 at Sections 41-16-100 through 41-16-109, Code of Alabama, 1975, as amended, shall not apply to the sale or disposal of tangible personal property by the State Highway Department when the purchaser or recipient is a county governing body or municipal governing body of this state.

Also:

S. 197. To create a Surface Mining Commission with responsibility and authority to conform the State's Regulatory requirements regarding surface mining activities with the Federal Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, 30 U.S.C. 1200 et. seq., and any valid regulation promulgated thereunder, and thereby enable the State of Alabama to assume exclusive jurisdiction over the regulation of surface coal mining and reclamation operations in this State; and thereby to prevent Federal intrusion into land use planning and control and other integral and traditional aspects of the sovereignty of the State of Alabama; and

To make the State eligible for Federal Funding to develop and implement programs to achieve those purposes essential to the best interests of the people of the State of Alabama and those purposes necessary to prevent further Federal encroachment upon those state's rights protected by the tenth amendment of the Constitution of the United States; and

To repeal Act No. 551, S. 887, Regular Session 1975 (Acts of Alabama 1975, p. 1226), The Alabama Surface Mining Reclamation Act of 1975, and all laws or parts of laws which conflict with this Act.

Also:

S. 550. To provide that the Board of Trustees of the University of Alabama, at its discretion, may continue the employment of employees 70 years of age or older; and to repeal conflicting laws.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

MOTION IN WRITING

Rep. Pegues filed the following Motion in Writing.

Having voted on the prevailing side of the Hammett amendment to House Bill 324, I move to reconsider the vote by which it was adopted.

LEAVE OF ABSENCE

At the request of Rep. Manley, leave of absence was granted for Rep. Hines, due to illness.

MOTION TO ADJOURN LOST

The motion offered by Rep. Clark (G) that the House adjourn, was lost.

Yeas 18; Nays 66.

Yeas:

Reps.: Bennett, Blake, Boles, Bowling, Cheatwood, Clark (G), Cooley, Cosby, Crow, Ford, Hall, Harper (O), Holley, Johnson (Roy), Langford, Manley, Nevett and Rains.

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Nays:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Biddle, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cobb, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (T), Holmes, Horn, Johnson (R. G.), Kelley, Laird, Letson, McKee, Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Willis and Wyatt.

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ADJOURNMENT

On motion of Rep. Owens, the House adjourned until 10:00 o'clock a.m., Thursday, April 30, 1981.

TWENTY-SIXTH DAY

House of Representatives
Montgomery, Alabama
Thursday, April 30, 1981

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by John H. Hill, Ruling Elder, First Union Presbyterian Church, Luling, Louisiana

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

REPORT ON STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-fifth legislative day and finds the same to be correct.

JACK BIDDLE,
Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the twenty-fifth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-fifth legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Manley, leave of absence was granted for Rep. Hines due to illness.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 337. To amend Section 20-2-93, Code of Alabama 1975, relating to forfeitures and seizures of property and vehicles used in violation of the Alabama Controlled Substances Act so as to provide for the sale of such property and vehicles and to further provide for the use and disposition of the proceeds from the sale of forfeited property.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House.

H. 711. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Steele in St. Clair County.

Also:

H. 857. Relating to Limestone County; providing expense allowances and compensation for certain county officials.

Also:

H. 906. Relating to Tallapoosa County; providing for an additional allowance for election officials who work at polling places.

Also:

H. 957. Relating to Perry County; to amend further Section 1 of Act No. 348, H. 868, Regular Session 1969 (Acts 1969, p. 720), relating to a clerk hire allowance and expenses of the tax assessor and tax collector, so as to provide for an additional clerk for the tax assessor.

Also:

H. 970. Relating to Lowndes County; fixing the fee for issuance of a pistol permit fee by the sheriff; providing for the distribution and use of such fees; and to repeal Act No. 119, H. 108 (Acts of Alabama 1969, p.190), Regular Session 1969, as amended, and all other laws or parts of laws in conflict herewith.

Also:

H. 971. Relating to Randolph County; providing further for an expense allowance for the county commission of said county.

Also:

H. 972. Relating to county health officers or administrators in Randolph County; authorizing such persons to issue official death certificates; and providing penalties for violation of this Act.

Also:

H. 979. To propose an amendment to the Constitution of Alabama of 1901 relating to Lauderdale County that would empower each local school tax district within the Lauderdale County school district in said county, when authorized at an election therein, to levy and collect a special district school tax not exceeding ten mills on the assessed valuation of the taxable

property in such district for public school purposes in such district, and conferring upon the county board of education of said county the power under some circumstances and without an election to change the boundaries of any local school tax district in said county or consolidate any two or more local school tax districts therein.

Also:

H. 14. To amend Section 2 of Act No. 929, H. 1365, 1961 Regular Session (Acts 1961, p. 1487), relating to the Mobile Tree Commission.

Also:

H. 627. To provide for fees, to set fees, to establish the method of collection, and to provide for the disbursement of fees for the Sheriff of Mobile County, Alabama.

Also:

H. 628. To establish a Sheriff's filing fee on all civil and criminal cases filed in Mobile County, Alabama, and to provide for the collection and disbursement of said fee.

Also:

H. 629. To provide for supplementing the salaries or compensation paid to certain semiretired or retired district judges in the 13th Judicial Circuit.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Manley:

H. R. 316. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn today, Thursday, April 30, 1981, we adjourn to meet again on Tuesday, May 5, 1981, at 1:00 P.M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 316, was adopted.

Also:

By Rep. Manley:

H. J. R. 317. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when we adjourn on Thursday, April 30, we adjourn to meet again on Tuesday, May 5; when we adjourn on Tuesday, May 5, we adjourn to meet again on Wednesday, May 6; and when we adjourn on Wednesday, May 6, we adjourn to meet again on Thursday, May 7, all dates hereinabove stated being in the year 1981.

On motion of Rep. Manley, the rules were suspended and the resolution, H. J. R. 317, was adopted.

BILLS ON SECOND READING

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 124. To make an appropriation from the State General Fund for the relief of John W. Bailey who contracted Histoplasmosis in the line of duty and was forced to retire from employment with the State of Alabama.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 164. (With Substitute)(With Amendment): Relating to the real estate business in Alabama; amending §§ 34-27-7 and 34-27-31 through 34-27-35 in order to increase the size of the Alabama real estate commission, provide further for the terms of office of the members of such commission, and for the performance of their duties; and to regulate further the licensing of persons engaged in the real estate business in this state and to increase certain fees in relation to such licensing.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 266. (With Substitute): To amend Sections 36-7-20 and 36-7-22 of the Code of Alabama 1975 so as to further provide for the per diem allowance and mileage allowance for persons traveling on official state business.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 382. To make a supplemental appropriation to the Department of Public Health from the Vital Statistics Fund, Hospital Licensing Fund and Hearing Aid Fund as provided in Title 34, Chapter 14, Article 1 and 2, 1975, Code of Alabama for the fiscal year ending September 30, 1981.

H. 456. To exempt the Alabama Federation of Women's Clubs from the payment of all state, county and municipal sales and use taxes.

H. 535. To provide for the licensure and regulation of any person, partnership, association or corporation engaged in servicing, recharging, repairing, testing, inspecting or installing fire extinguishers and fire systems; to prescribe further duties and powers of the State Fire Marshal; to provide for the inspection of portable fire extinguishers at regular intervals; to authorize the State Fire Marshal to promulgate rules and regulations for the administration of this act; to provide that moneys collected pursuant to this act shall be deposited in the State Fire Marshal's Fund; to authorize the State Fire Marshal to expend funds from the State Fire Marshal's Fund for the administration and enforcement of this act; to prescribe license fees pursuant to this act; and to prescribe penalties for violation of the act.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 698. (With Substitute): To prescribe that gasoline prices must be displayed; to prescribe the size of any high-rise display for the price of gasoline; to provide that gasoline must be sold at the advertised price; to provide for the department of agriculture and industries to conduct inspections; and to provide for penalties for violations.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 818. To amend Section 5, Act No. 80-529, Acts of Alabama 1980, now appearing as Chapter 3A, Section 5, Title 28, Code of Alabama 1975 to provide further for the renewal of alcoholic beverage licenses.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 895. (With Amendments): To impose certain court costs and seizure fees; to provide for their distribution to certain police academies; to provide for the acceptance of grants and to provide for cooperation between certain agencies.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 908. To authorize municipal corporations to levy additional fees and to provide for the use of said fees.

H. 934. To provide authority for the governing body of any Class 2 municipality covered by the Employee's Retirement System of Alabama, with the consent of the Board of the Employee's Retirement System of Alabama, to provide credit for the prior service of new employees to the extent of their prior service with a public employer eligible for coverage under the Employee's Retirement System of Alabama, and to provide the procedure for this purpose.

H. 945. To make supplemental appropriations from the general fund in the state treasury from fund designated for the State Board of Chiropractic Examiners.

H. 1094. To amend Section 41-9-252 of the Code of Alabama 1975 relating to historical commissions and the composition of certain historical advisory committee so as to change an incorrect reference to a congressional district.

S. 34. To provide that any person, who is a retired teacher and retired under the provisions of the Teachers' Retirement System of Alabama, and who subsequent to said retirement becomes the Acting President of the University of Alabama, may elect to resume his participation in the Teachers' Retirement System of Alabama.

S. 187. To authorize the State Board of Pardons and Paroles to establish a program that will allow the expenditure of state funds for employee incentive awards.

S. 243. Relating to the Public Service Commission; amending Section 37-1-11 of the Code of Alabama 1975, relating to compensation for the president and associate commissioners so as to further provide therefor; providing for expense allowances for such officials payable from the general fund of the state treasury.

S. 297. To exempt the Alabama Goodwill Industries, Inc., of Birmingham from payment of all state, municipal, and county sales and use taxes, retroactively to the fiscal year commencing October 1, 1980 as intended by the Legislature in Act No. 670 of 1978.

S. 359. To provide for an income tax credit on state income tax liability for certain expenditures made by individual taxpayers to utilize active solar energy devices.

S. 360. To provide for an income tax credit on state income tax liability for certain expenditures made by individual taxpayers to utilize passive solar energy.

S. 364. To further regulate interest rates on life insurance policy loans and to provide for any conflicts between the provisions of this bill and Section 27-15-5, Code of Alabama 1975.

S. 395. To amend Code of Alabama 1975, Section 16-25-11, which relates to the Teachers' Retirement System; and Section 36-27-11 which relates to the Employees' Retirement System amending said sections so as to extend the period of eligibility for purchasing credit for previously withdrawn service; to provide a period of one year after October 1, 1981, for retired members **to purchase credit for service previously withdrawn or terminated due to five years absence from service.**

S. 406. To amend Code of Alabama 1975, §40-12-248(d) so that truck tractors used for the transportation of household goods, personal furniture, other household effects, farm produce, farm products and forest products will not be subject to the annual license taxes and registration fees set forth in §40-12-248(d), supra.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1037. To amend Section 15-19-1, Code of Alabama 1975, relating to youthful offender status, so as to limit the persons eligible for such status.

H. 1069. To amend Section 15-22-28 of Code of Alabama 1975 which relates to paroles for prisoners, so as to further restrict such paroles and to prescribe the minimum sentences to be served prior to eligibility for such paroles.

H. 1019. To amend Section 32-8-86, Code of Alabama 1975, relating to the removal or falsification of an identification number, registration or license date of a vehicle or an engine, so as to provide for the forfeiture and condemnation of a vehicle or an engine seized pursuant to this section.

S. 314. To amend Section 40-14-70, Code of Alabama 1975, relating to assessment and collection of corporate shares of stock, so as to alter the method of assessment.

S. 311. To limit the liability of certain persons and organizations that donate and distribute food free of charge.

S. 146. To amend Sections 12-16-58, 12-16-70, 12-16-74, 12-16-76, 12-16-100 to provide for the drawing, selecting, empaneling, and summoning of juries in both civil and criminal cases; to provide a random selection formula for filling the master jury box; to abolish the requirements of a special venire and that excusals be heard in the presence of the defendant; to provide for a minimum number of qualified jurors from which to strike in criminal cases and to provide for the number of strikes available to the district attorney and the defendant; and further to provide for an optional combined qualification and summons process from the master list that, notwithstanding any provisions of Title 12, Section 16, Code of Alabama 1975, which eliminates the master jury box and modifies the juror qualification process; to provide the computerization of the selection process; and to repeal Sections 12-16-71, 12-16-75, 12-16-77, 12-16-79, 12-16-102, 12-16-120, 12-16-121, 12-16-122, 12-16-123, 12-16-124, 12-16-125, 12-16-126, and 12-16-127, Code of Alabama 1975.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 164. (With Substitute)(With Amendment): To authorize the investigators of the State Board of Medical Examiners to enforce the provisions of the Alabama Uniform Controlled Substances Act and to grant to such investigators the powers of peace officers in the performance of their duties.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 427. To amend Code of Alabama 1975, Sections 34-17-24, and 34-17-25, which relate to license fees and penalties for Landscape Architects in Alabama; to increase said fees and penalties to allow for increased costs of administration, to be effective retroactive to October 1, 1980.

S. 386. To amend Section 41-6A-3 of the Code of Alabama 1975, which provides for the creation and organization of the Alabama department of energy so as to remove the requirement that the director of the department be a member of the Alabama state employees retirement system; and to make correction in name of system.

H. 1041. To remove certain state legal impediments to ridesharing arrangements so as to encourage the people of this state to travel to and from work by carpool, vanpools and other types of ridesharing arrangements; to place certain limitations on the liability of employers who encourage participation in such arrangements and to prohibit local government entities from requiring licenses for such arrangements.

S. 526. To amend Sections 34-31-1, 34-31-3, 34-31-5, 34-31-7, 34-31-8, 34-31-9, 34-31-12, 34-31-15, and 34-31-16 of the 1978 supplement to the 1975

Code of Alabama so as to: (1) Clarify the definition of Regulated Contractor; (2) Exclude Professional Engineers, Professional Architects and certain Registered Contractors from this regulation; (3) Regulate roofing contractors involved in commercial roofing only; (4) Make the language of the Chapter consistent throughout; (5) Change the renewal date for Certification; (6) Change the number of required board meetings from monthly to bi-monthly; (7) Define a license and permit bond.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 488. (With Amendment): To require municipal corporations or any political subdivision of the State of Alabama to provide defense and indemnity for employees who may be sued for damages arising out of the performance of their official duties and while in the line of duty of their employment, and to authorize the obtaining of liability insurance to cover such employees.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 639. To give electors confined to wheelchairs or those otherwise immobilized the opportunity to vote without leaving the vehicle.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 1034. (With Amendment): Relating to the state board of cosmetology, to provide a schedule of fees charged by the board to its licensees, notwithstanding any other provision of law.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1113. To amend Section 12 of Act Number 81-218 so as to enable the Medical Licensure Commission to exercise discretion as to whether or not a license should be reinstated and to authorize the Medical Licensure Commission to require the applicant to appear for an interview and present any information the Commission deems necessary for a consideration of the application for reinstatement.

H. 888. To require the state health department to give notice to interested parties prior to the implementation of any rule promulgated by it.

Rep. Willis, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 465. (With Amendment): To exempt persons fishing in certain private ponds or certain public ponds from certain fishing laws and regulations.

Rep. Willis, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 876. To provide for a state income tax refund check-off designation for the support of nongame wildlife programs in Alabama.

H. 924. To require the Department of Conservation and Natural Resources to issue use permits to the Agricultural Experiment Station for use in collecting certain game and fish for research purposes.

S. 290. To amend Section 9-2-7, Code of Alabama 1975, which provides for powers and duties of the Commissioner of Conservation as to game, fish and seafood generally, so as to empower the commissioner to issue no more than 50 special permits for the purpose of promoting Alabama's outdoor recreation.

H. 977. To amend Section 9-17-64, Code of Alabama 1975, which provides for pooling or unitization agreements or amendments to leases to provide for pooling or unitization agreements, so as to provide for further such amendments.

Rep. Holley, Chairman of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 93. (With Substitute): To authorize the creation of Alabama Municipal Electric Authority as a public corporation of the State of Alabama; to authorize the Authority, as sole owner or in common with others, to acquire, construct, reconstruct, improve, equip, alter, repair, place into operation, operate, maintain and dispose of projects embracing generation, transmission and distribution of bulk electric power and energy and to acquire, construct, and equip all property and things necessary or convenient for the purposes of the projects and the acquisition, construction, maintenance, and operation thereof; to authorize the Authority to enter into contracts providing for the prepayment by the Authority of charges for bulk electric power and energy; to confer powers, including, among others, the power of eminent domain (subject to certain limitations), and the power to employ personnel and contract for indemnification of its officers, employees, and the members of the board of directors of the Authority; to impose duties on the Authority; to provide for the membership and operation of the Authority; to establish an election committee to elect the board of directors of the Authority; to establish the board of directors of the Authority; to authorize the Authority and municipalities, municipal electric utility boards and public corporations owning or operating electric distribution systems to execute contracts for the sale of the output, capacity, use or service of the projects and to enforce the performance thereof and to specify the wholesale character of such sales; to authorize the Authority to enter into interconnection arrangements with certain persons; to authorize the Authority to fix and revise rates and other charges with respect to the output, capacity, use or service of projects and require that those rates or charges be sufficient, along with other revenues and funds of the Authority, to meet certain expenses; to authorize the issuance and to provide for the negotiability of bonds, bond anticipation notes and notes of the Authority payable from the revenues and other available funds of the Authority to pay the costs of the projects; to authorize the

collecting and pledging of revenues and other funds and assets of the Authority for the payment of the bonds, bond anticipation notes and notes and for the cost of operating, maintaining, and repairing the projects; to authorize the execution of trust and security instruments relating to the Authority's property to secure the payment of the bonds; to provide rights for the owners of the bonds, bond anticipation notes, and notes; to provide for the appointment of a receiver upon certain events; to provide that the bonds shall not constitute a debt of the State nor of any municipality, municipal electric utility boards or public corporations owning or operating an electric distribution system; to make the bonds legal investments and to exempt the bonds, bond anticipation notes and notes, and the income therefrom and interest thereon, along with all income and property (and filings with respect thereto) of the Authority from taxation; to provide for certain payments to be made by the Authority in lieu of ad valorem, sales, use, license and severance taxation; to exempt the bonds, bond anticipation notes and notes from the provisions of the State's usury laws; to exempt the purchase, sale or use of property by the Authority from all sales, use and license taxes in the State; to authorize the issuance of refunding bonds; to provide for validation of the bonds and the security therefor and any contracts related thereto; to provide that all funds received by the Authority shall be trust funds to be applied only as provided in this Act; to authorize the issuance of bond anticipation notes and notes and provide for the payment and terms thereof; to exempt the Authority from the provisions of the Public Service Commission law; to exempt the construction, operation or acquisition of electric light plants by the Authority from the provisions of Sections 37-4-60 through 37-4-65, Code of Alabama 1975; to fix the jurisdiction of actions relating to any provisions of this Act; to provide for the dissolution of the Authority; to exempt the Authority from the operation of the Alabama Sunset Law of 1976, and from the competitive bid laws contained in the Code of Alabama 1975; to repeal all laws and parts of laws in conflict herewith; to provide for the severability of the provisions of this Act; and to provide an effective date for this Act.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 572. To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Limestone County; and to provide for the expenditure of the funds in the office of the judge of probate.

H. 1044. Relating to Choctaw County; to provide for an additional expense allowance for the poll workers of said county.

H. 1046. Proposing an amendment to the Constitution of Alabama relating to the abolition of the offices of Tax Assessor and Tax Collector in Barbour County and for the consolidation of the duties of said offices into a new office; and validating any acts of the Legislature enacted prior to the adoption of this amendment relating to such subject.

The above bill was read a second time at length as required by the Constitution.

H. 1047. To alter, rearrange, and extend the boundary lines and corporate limits of the Town of Clio, Barbour County, Alabama.

H. 1048. To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Barbour County.

H. 1049. To relate to Barbour County; to provide for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, and repealing conflicting laws.

H. 1050. To authorize the Barbour County Commission to provide clerical employees to work in the office of the Tax Assessor or Tax Collector.

H. 1051. Relating to Barbour County; to regulate further the compensation of the board of registrars of the county.

H. 1055. Relating to Perry County; levying an additional privilege or license tax upon sellers, distributors or users of malt or brewed beverages; providing for the distribution of the proceeds of the tax; and providing for the termination of such tax.

H. 1056. Relating to Escambia County; creating a county jury commission; providing for the appointment of the members and clerks thereof, and for their qualifications, duties, compensation, and tenure and repealing Act No. 515, H. 1267, Regular Session 1976 (Acts 1976, p. 658).

H. 1062. To alter or rearrange the boundary lines of the Town of Webb, Houston County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Houston County, Alabama.

H. 1071. To provide for a special recording fee of \$1.50, in addition to all existing recording fees and charges, for each certain documents hereafter filed for record in the office of the Judge of Probate of Bibb County.

H. 1072. To amend Section 1 of Act No. 80-376, H. 938, 1980 Regular Session (Acts 1980, p. 497), dealing with the performance of work by county personnel on private property to provide explicitly that such work may include the opening and closing of graves.

H. 1073. Relating to Bibb County; to amend section 4 of Act No. 722, H. 1708, Regular Session 1973 (Acts 1973, p. 1079), relating to assessment of certain property for fire protection services, so as to provide an exemption for certain persons, and to provide for retroactive effect.

H. 1074. Relating to the Board of Registrars of Bibb County; providing further for additional compensation for members of such board, payable from the county general fund.

H. 1076. To repeal Act No. 409, S. 541 approved July 17, 1931, Regular Session 1931 (Acts 1931, p. 182), as amended, entitled "To provide for the quarterly publication by the court of County Commissioners, board of revenue or like governing body of Limestone County, Alabama, of an itemized account of all receipts and expenditures of said Limestone County, and to provide penalty for failure to observe this law."

H. 1077. To authorize the Cherokee County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

H. 1078. To authorize the Lowndes County Commission to provide protection against forest fires within the county and to assess the whole or a

part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

H. 1082. Relating to Washington County, to provide for an advisory referendum on the question of the method of electing county commissioners.

H. 1085. Relating to the Twenty-ninth Judicial Circuit; to authorize the district attorney to provide one clerk-secretary to serve the grand juries of said circuit and to prescribe the duties of such clerk-secretary.

H. 1089. Relating to Wilcox County; to provide for the further compensation of election officials.

H. 1091. An Act relating to Geneva County; providing the County governing body may supplement the salary of the District Judge from the County General Fund up to Five Thousand Dollars (\$5,000.00) per annum.

H. 1110. Relating to Bullock County; to give the county commission certain powers and authority in regard to performing road related services upon private property for a fee and selling road construction materials to churches, persons, firms or corporations; setting the conditions under which such work can be done and road construction materials sold; and establishing the procedure governing work on private property or sales of said materials to churches, individuals, firms or corporations.

H. 1112. Relating to Bullock County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail of any such county; and to provide penalties for violations.

H. 1098. Relating to Barbour County; providing further for the election of the members of the county board of education; prescribing certain **residential qualifications for said members and, providing for supplemental effect, and providing for its effective date.**

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2 reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 1024. Approving and authorizing the City of Vestavia Hills, Alabama, to levy and collect an additional ad valorem tax for each of the next four (4) taxable years beginning October 1, 1981, in the amount of ten (10) mills based upon the value of the property therein as fixed for state taxation, to be used for general municipal purposes, provided the levy of said tax shall be subsequently approved by a majority vote of the qualified electors of Vestavia Hills, who vote on the proposed increase at an election called and held for that purpose and scheduled for May 12, 1981.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 950. (With Substitute) (With Amendments): To further amend Section 7 of Act No. 993 of the Regular Session of the Legislature of Alabama of 1971, as said section has been heretofore amended by Section 2 of Act No. 329 of the Regular Session of the Legislature of Alabama of 1973 (Ala. Acts, 1973,

pp. 461 and 462), which said Act No. 993 provided for the incorporation of an authority as a public corporation for the purpose of providing public transportation service in any county of the State having a population of not less than 600,000 according to the last or any subsequent federal decennial census.

Rep. Sandusky, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report,, and it was read a second time and placed on the Calendar, to-wit:

H. 904. To alter or rearrange the boundary lines of the Town of Creola, Mobile County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Mobile County, Alabama; to provide for assessing for ad valorem taxation the property added to the Town of Creola when certain services are rendered to the property owners and persons residing therein or are made available to them; to describe the services to be rendered and to exempt from taxation property added to the Town of Creola by the extension of its boundaries when such services are not available or rendered.

Rep. Sandusky, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 910. (With Substitute): Relating to Mobile County; providing for the reapportionment of the Mobile County Board of School Commissioners to consist of seven members, five who shall be elected from the House Districts or portions thereof which are located within the boundaries of Mobile County and two elected at large; providing for election and length of term for the new commissioners.

Rep. Sandusky, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 968. To amend the title and sections 1 and 2 of Act No. 80-648, H. 931, 1980 Regular Session (Acts 1980, p. 1235), which authorizes and makes provisions for the incorporation in any Class 1 municipality as so designated by section 11-40-12 of the Code of Alabama 1975 (being a city with a population of 300,000 or more inhabitants as certified by the 1970 federal decennial census) of Commercial Development Authorities for the purpose of promoting trade and commerce, so as also to provide for the incorporation of such authorities in any Class 2 municipality as so designated by section 11-40-12 of the Code of Alabama 1975 (being a city with a population of not less than 175,000 and not more than 299,999 inhabitants as certified by the 1970 federal decennial census) and/or any Class 3 municipality (being a city with a population of not less than 100,000 and not more than 174,999 inhabitants)

H. 1063. Relating to Mobile County, to provide that the Board of Registrars of Mobile County shall not register any person as a qualified elector within 15-days prior to any election.

H. 1081. Relating to Mobile County; providing for the reappointment of the board of school commissioners of Mobile County into five single-member districts from each of which one commissioner shall be elected by the electors of that district; and providing for the election and terms of office of the new commissioners.

H. 1086. To amend the Title and Section 1 of Act No. 155, H. 654, Regular Session 1969 (Acts 1969, p. 430) which provides that the Governing Body of any city or town in any county in the State of Alabama having a population in excess of 300,000 and less than 600,000 inhabitants may create the position of Assistant City Attorney on a full-time basis and may provide that any person holding such position in the municipal government shall be immediately placed upon the employment civil service or merit system roster of such county without examination or decrease in salary and that such position shall thereafter remain under the provisions of any such civil service or merit system, so that such municipal governing body may create one or more positions of Assistant City Attorney on a full-time basis and may provide that any person or persons filling such position or positions shall be immediately placed upon such employment civil service or merit system roster without examination or decrease in salary and that such position shall thereafter remain under the provisions of any such civil service or merit system.

H. 1095. To establish the norms for eligibility for seats on any municipal gas utility board as well as the right to bid on contracts with the board; to provide for one additional member to the municipal gas utility board.

Rep. Gregg, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1030. Proposing an amendment to the Constitution of 1901, amending Amendment No. 218 to the Constitution of 1901, relating to the special school tax based on the taxable property in the school tax district of the City of Huntsville so as to remove certain restrictions on the use of the proceeds therefrom and allow such proceeds to be expended for any public school purposes within the said district; and providing for a referendum and effective date therefor.

The above bill was read a second time at length as required by the Constitution.

H. 955. To amend Section 2 of Act No. 79-505 of the 1979 Regular Session of the Alabama Legislature which provides for an increase in compensation of certain county officials, in regard to the effective date of such increases.

Rep. Gregg, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 1070. (With Substitute) (With Amendment): To alter, rearrange and extend the boundary lines and corporate limits of the municipality of NEW HOPE IN MADISON COUNTY, ALABAMA.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, , and they were severally read asecond time and placed on the Calendar, to-wit:

S. 509. Relating to Blount County; providing for the method of electing the county superintendent of education.

S. 589. Relating to Marshall County; to provide for an increase in salary for the members of the board of equalization of said county.

S. 590. Relating to Marshall County; to provide for an increase in salary for the members of the jury commission of said county.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with admentment, and it was read a second time and placed on the Calendar, to-wit:

S. 597. (With Amendment): Relating to Marshall County; to provide that the county commission may levy and collect a severance tax on coal at a rate established by such county commission; to provide that such tax shall be in addition to any state severance tax; to provide how the funds from such tax shall be expended; to provide for the collection of such severance tax; and to repeal conflicting laws.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, , and they were severally read a second time and placed on the Calendar, to-wit:

H. 1057. Relating to Lamar County; to amend Sections 1 and 2 of Act No. 80-518, H. 1051 of the 1980 Regular Session (Acts 1980, p. 798), so as to provide further for the compensation and expense allowances of certain members of the county commission.

H. 1058. Relating to Lamar County; providing certain compensation and expense allowances for the county superintendent of education.

H. 1060. Relating to Jackson County; providing that the county commission may provide additional compensation for poll officials in an amount up to \$10 per day from the county general fund.

H. 1065. To amend Section 17-4-138, Code of Alabama 1975, so as to provide additional office space and clerical help for the board of registrars and to authorize the placement of voting machines in the board's offices.

H. 1066. Relating to Blount County; providing further for additional levy of court costs and the collection and distribution of such court costs, on the service of certain court papers or documents arising out of any civil or criminal action, instituted outside the state of Alabama, whether at law or equity; and prescribing that all revenue thereby generated shall be deposited into the "Sheriff's Department Fund" of the county general fund.

H. 1067. Relating to Blount County; providing further for levying additional court costs, and the collection and distribution of such court costs, on the service of all court papers or documents arising out of civil or quasi-civil action at law or equity; and designating the authorized expenditure from the revenue thereby generated.

H. 1068. Relating to Blount County; providing further for additional levy of court costs, and the collection and distribution of such court costs, in any case, upon conviction of a misdemeanor or felony; and designating the funds thereby generated for the maintenance and supervision of the county jail building.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 1075. (With Amendment): Relating to Morgan County; amending Act No. 190, H. 742, 1977 Regular Session (Acts 1977, p. 258), which provides that the county may make contributions to volunteer fire departments, so as to provide further for said contributions.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1080. Relating to Etowah County; prescribing that the county governing body may allow volunteer rescue squads, volunteer fire departments, certain retired senior citizen volunteer organizations, and certain other charitable foundations, agencies and organizations which perform a valuable public service, governmental in nature, (a) to buy gasoline and other motor fuels at the county cost and exempt from any motor fuel tax; and (b) to have repairs made on its equipment by the county at the county's cost; and declaring legislative intent therefor.

H. 1083. To propose an amendment to the Alabama Constitution of 1901, to allow the county commission of Lauderdale County to combine the offices of tax assessor and tax collector of such county effective September 30, 1984.

The above bill was read a second time at length as required by the Constitution.

H. 1084. Relating to Lauderdale County; to allow the county commission to combine the office of tax assessor and tax collector of said county effective September 30, 1984.

H. 1087. Relating to Tuscaloosa County; providing further for the compensation of certain county and city officers.

H. 1088. Relating to Tuscaloosa County; levying an additional privilege license tax on malt or brewed beverages; providing for the collection and distribution of the proceeds of such tax; and providing for the administration and enforcement of this act including fines for violations; repealing certain conflicting laws; and providing a retroactive effective date.

H. 1092. Relating to Tuscaloosa County; amending Act No. 80-536, H. 73, 1980 Regular Session (Acts 1980, p. 835), which provides overtime compensation for certain law enforcement officers, so as to provide further for said officers and to provide for its retroactive effect.

H. 1096. Relating to Morgan County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses.

H. 1097. Relating to Morgan County; to amend the Title and Section 1 of Act 80-422, 1980 Regular Session (Acts 1980, p. 584), so as to require the mailing address of the grantors and grantees of real property deeds.

H. 1107. Relating to Morgan County; further regulating the compensation of the Clerk of the jury commission for the county, payable from the county general fund.

H. 1108. Relating to Morgan County; further regulating the compensation of the chairman of the county board of registrars, so as to provide further for such compensation.

H. 1100. To extend, alter and rearrange the boundaries and corporate limits of the City of Forence so as to annex certain adjacent territory to the City of Florence.

H. 1101. Relating to Morgan County; providing further for the expense allowances of the chairman and members of the county commission, payable from the county general fund; and providing further for such compensation.

H. 1102. Relating to Morgan County; to provide a certain salary for the superintendent of education in said county which shall be in lieu of all other salaries and expense allowances heretofore provided by law for said superintendent.

H. 1103. Relating to the 8th Judicial Circuit; providing an additional expense allowance for the circuit court clerk payable from the general fund of the county in such circuit.

H. 1104. Relating to the 8th Judicial Circuit; to provide a salary increase to each court reporter; and to provide further for such compensation.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 1105. (With Amendment): Relating to Morgan County; providing further for the expense allowances and compensation of the revenue commissioner and license commissioner of the county, payable from the county general fund, so as to provide an additional expense allowance and providing further for such compensation.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 1106. Relating to Morgan County; providing further for an additional expense allowance, payable from the general fund of the county treasury, for the county coroner; and providing further for such compensation.

RESOLUTION

The following resolution was introduced:

By Reps. McCorquodale, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G),

Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

H. J. R. 318. MOURNING THE DEATH OF MR. JAMES R. RAIFORD, BUDGET OFFICER FOR THE STATE OF ALABAMA.

WHEREAS, the Legislature of Alabama has been deeply shocked and saddened by the sudden and untimely death of our close friend, James R. Raiford, on April 29, 1981, at the age of just 46 years; and

WHEREAS, a native of Ashland in Clay County, Alabama, and a resident of Montgomery, Jimmy Raiford was serving as State Budget Officer at the time of his death, a position he had held since January 1976; and

WHEREAS, in meritorious service to the State of Alabama, Mr. Raiford was first employed with the Office of Examiners of Public Accounts, from 1960 until 1971, at which time he joined the Budget Division of the State Finance Department; and

WHEREAS, while serving as an Examiner with the Division, Mr. Raiford was appointed Acting Budget Officer in October 1975, and assumed, also by appointment some 15 months later, the permanent responsibilities of that office; and

WHEREAS, Jimmy Raiford, who was a graduate of the Auburn University with a B. S. Degree in Business Administration, was a member of the First Baptist Church of Ashland and was a member and past president of the National Association of State Budget Officers; and

WHEREAS, Mr. Raiford's tenure with the State of Alabama was marked with excellence; his service was extra-ordinary in its dedication and loyalty and his assistance to the Legislature was immeasurable in wisdom, cooperation and in value; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of James R. Raiford, one of our state's most outstanding public servants and a good friend whose loss is deeply felt by us all.

BE IT FURTHER RESOLVED, That we extend our deepest sympathy to the members of his family for whom a copy of this resolution shall be provided.

On motion of Rep. McCorquodale, the rules were suspended and the resolution, H. J. R. 318, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Biddle, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolutions and ordered same returned to the House with a favorable report:

H. J. R. 315. HONORING MR. EDMOND BURK HICKMAN, DIRECTOR OF THE DOTHAN HIGH SCHOOL BAND.

On motion of Rep. Biddle, the resolution, H. J. R. 315, was adopted.

Also:

H. R. 306. Concerning the Birmingham-Jefferson Transit System.

On motion of Rep. Biddle, the resolution, H. R. 306, was adopted.

Also:

H. J. R. 287. CREATING THE LEGISLATIVE JOINT INTERIM STUDY COMMITTEE ON PRISON WORK-RELEASE PROGRAMS.

On motion of Rep. Biddle, the resolution, H. J. R. 287, was adopted.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Biddle:

H. J. R. 319. NAMING S. B. 197 OF THE 1981 REGULAR SESSION, THE ALABAMA SURFACE MINING CONTROL AND RECLAMATION ACT, THE COOK-NARAMORE BILL.

WHEREAS, the Alabama Surface Mining Control and Reclamation Act of 1981, S. B. 197, has been enacted after many years of hard work by this legislature; and

WHEREAS, through the diligent work and commitment of Senator Doug Cook and representative Alvis Naramore, S. B. 197 has passed both houses of the legislature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That S. B. 197 be designated and known as "The Cook-Naramore Bill."

On motion of Rep. Biddle, the rules were suspended and the resolution, H. J. R. 319, was adopted.

Also:

By Rules Committee:

H. R. 320. BE IT RESOLVED BY THE HOUSE OR REPRESENTATIVES, That the following business in the order named be made the special and paramount order of business April 30, 1981, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

By Mr. Cook:

S. 591 p. 3S Legislative personnel

By Rep. Pegues:

H. 324 p. 55 Postsecondary Education Commission

By Rep. Sasser:

H. 640 p. 74 Warrants

By Rep. Owens:

H. 823 p. 105 Board of Corrections

By Rep. Owens:

H. 859 p. 106 Mental Health

By Rep. Moore:

H. 1035 p. 3S Advertising and promotion

By Rep. Kelley:

H. 842 p. 109 Sheriffs

By Rep. Laird:

H. 437 p. 101 Unemployment Compensation Act

By Rep. Owens:

H. 330 p. 48 Fees, courts

By Rep. Kelley:

H. 74 p. 14 Fees, criminal and civil cases

By Rep. Kelley:

H. 75 p. 13 Indigent defendants

By Rep. Daniels:

H. 647 p. 98 Reorganization of the PSC

By Rep. Adams (H):

H. 408 p. 65 Fraud

By Rep. Waggoner:

H. 361 p. 40 Ala. Aviation Hall of Fame

By Rep. Penry:

H. 447 p. 32 Railroads

By Rep. Payne:

H. 387 p. 23 Hazing

By Rep. Gafford:

H. 1022 p. 3S State employees

By Rep. Amari:

H. 160 p. 75 Liability

By Rep. Bowling:

H. 725 p. 67 Miniature bill

By Rep. Letson:

H. 63 p. 3 Commercial fertilizer

By Rep. Letson:

H. 65 p. 4 Warehouses

By Rep. Dixon:

H. 747 p. 70 Solid waste

By Rep. McMillan:

H. 602 p. 139 Historic Blakeley Authority

By Rep. Willis:

H. 429 p. 28 State parks

By Rep. Cates:

H. 781 p. 92 Bonds, interest rates

By Rep. Dial:

H. 391 p. 41 Reflective markers

By Rep. Riddick:

H. 571 p. 103 State employees

By Rep. Campbell:

H. 353 p. 21 Abandoned motor vehicles

By Rep. Edwards:

H. 787 p. 118 County commission, franchise TV

By Rep. Holmes:

H. 404 p. 17 State employees

By Rep. Gafford:

H. 286 p. 2 PAC

By Rep. Smith (J):

H. 393 p. 51 Mode of execution

By Rep. Waggoner:

H. 552 p. 73 Probate Judge, deeds

By Rep. Kelley:

H. 290 p. 86 Enviromental Management

By Rep. Whatley:

H. 689 p. 63 Utilities, closing of office

By Rep. Zoghby:

H. 853 p. 93 Fighting dogs

By Rep. Smith (J):

H. 780 p. 81 Descent and distribution

By Rep. Naramore:

H. 570 p. 83 Good Samaritan Act

By Rep. Dixon:

H. 175 p. 17 Blood donors

By Rep. Naramore:

H. 180 p. 12 Petroleum Gas

By Rep. Clark (G):

H. 964 p. 125 Juries

By Rep. Bennett:

H. 205 p. 3 Alternate reporting periods

By Rep. Whatley:

H. 794 p. 88 Agriculture industry

By Rep. Minus:

H. p. 786 p. 82 Divorce

By Rep. Bowling:

H. 385 p. 49 Printing and publication, federal grants

By Rep. Turnham:

H. 678 p. 104 State surplus property

By Rep. Letson:

H. 350 p. 86 Civil cases \$500 to \$1,000

By Rep. Whatley:

H. 593 p. 77 State Industrial Dev. Authority

By Rep. Greer:

H. 954 p. 5S Fine for highway violations

On motion of Rep. Biddle, the resolution, H. R. 320, was adopted.

Also:

By Rep. Patton:

H. R. 321. STATING THE HOUSE OF REPRESENTATIVES POSITION ON THE IMPROVEMENT OF STATE CORRECTIONAL FACILITIES.

WHEREAS, The Alabama House of Representative recognizes that crime and delinquency has become the number one concern of the citizens of Alabama, and

WHEREAS, this governing body has responded to this concern by passing many laws which call for stiffer penalties and swifter justice for both adult and juvenile offenders, and

WHEREAS, We recognize that our jails and detention centers are over-crowded and that our local governments are under a financial strain by housing state and juvenile offenders, and

WHEREAS, Both adult and juvenile correctional facilities are inadequate and over-crowded, and

WHEREAS, The new oil and gas lease monies give us an opportunity to respond to our citizens by improving our correctional facilities and getting both the juvenile and adult offender off the streets,

NOW THEREFORE BE IT RESOLVED, That the Alabama House of Representatives hereby declares its first priorities for Capital outlay to be the expansion and improvement of the State adult and juvenile correctional facilities.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Patton offered the motion to suspend the rules and adopt the resolution, H. R. 321.

DIVISION OF THE QUESTION

Rep. Owens called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Patton to suspend the rules in order to take up for immediate consideration the resolution, H. R. 321, and the motion was lost.

The resolution, H. R. 321, was read and referred to the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. McCorquodale (With Notice and Proof):

H. 1115. Relating to Clarke County; to provide further for the election of the members of the county commission.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1115, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Smith (C) (With Notice and Proof):

H. 1116. To authorize the Chilton County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1116, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Cobb (With Notice and Proof):

H. 1117. Relating to Marion County; amending further Section 10 of Act No. 115, H. 409, 1949 Regular Session (Acts 1949, p. 139), as amended by Act No. 39, H. 21, 1963 First Special Session (Acts 1963, p. 116), which act levies and provides for the collection and distribution of sales and use taxes in the county, so as to provide further for the distribution of the proceeds from such tax.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1117, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Sandusky (With Notice and Proof):

H. 1118. To amend the title and Section 18 of Act No. 2431, H. 2569 Regular Session 1971 (Acts 1971, p. 3880 et seq.) as amended, which relates to all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census; to provide for and create a County Racing Commission for the regulation, licensing, and supervision of dog racing, and wagering thereon, etc., so as to provide further for the distribution of license fees, taxes, commissions, and other monies received under the provisions of this Act, and to create a board for the purpose of distributing a portion of such monies.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1118, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Clark (G), Mitchell and Gilmer:

H. 1119. Relating to the Twenty-fourth Judicial Circuit; amending Act No. 671, S. 728 of the 1976 Regular Session (Acts 1976, p. 922), relating to the salary of the circuit judge and the share of the counties composing such circuit, so as to provide further therefor and to include the district attorney of the county in such supplemental salary.

Local Legislation No. 1.

By Rep. Ray (With Notice and Proof):

H. 1120. Relating to Pike County; to provide further for the election of the members of the county board of education.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1120, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Ray (With Notice and Proof):

H. 1121. Proposing an amendment to the Constitution of Alabama of 1901 relating to the method and amount of compensation to be paid the probate judge of Bullock County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1121, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

The above bill was read a first time at length as required by the Constitution.

By Rep. Ray (With Notice and Proof):

H. 1122. Relating to Bullock County; providing for the levying and collecting of special county privilege license and excise taxes paralleling the state sales and use taxes provided for in Chapter 23 of Title 40, Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the state revenue department; providing for the distribution and use of the proceeds for the construction, operation and maintenance of a county jail, and five years thereafter a portion to the general fund; providing penalties for the violations of this act; and providing that the terms of this act shall not become effective unless approved by the electors of Bullock County at a referendum election held for such purpose.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1122, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Moore (With Notice and Proof):

H. 1123. Relating to Shelby County; relating to compensation for part-time bailiffs in such county and providing further for additional expense allowance, payable from the county general fund; and specifically repealing Act No. 80-791, S. 615 of the 1980 Regular Session (Acts 1980, Vol. III, p. 1623), relating to compensation for part-time bailiffs in Shelby County, and all conflicting laws.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1123, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Minus (With Notice and Proof):

H. 1124. Relating to Choctaw County; providing further for the compensation of the members of the county commission.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1124, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Minus (With Notice and Proof):

H. 1125. Relating to Choctaw County, to amend further Section 1 of Act No. 1022, S. 877, 1969 Regular Session (Acts 1969, p. 2512) as amended, which acts deals with the issuance of pistol permits in certain counties classified on a population basis, so as to provide further for the use of the monies collected upon issuance of such permits.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1125, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Waggoner (With Notice and Proof):

H. 1126. To alter, re-arrange and extend the boundaries and corporate limits of the City of Alabaster, Alabama, so as to incorporate certain territory as described herein.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1126, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Sandusky (With Notice and Proof):

H. 1127. To further amend Act No. 470, H. 952 of the Regular Session of 1939, approved September 15, 1939 (Local Acts, 1939, page 298), which creates and established the county-wide Civil Service System in Mobile County, so as to further provide for the membership of the Supervisory Committee of the Mobile County Personnel Board.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1127, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Sasser (With Notice and Proof):

H. 1128. Relating to Dale County; to amend Section 1 of Act No. 2038, Regular Session 1971 (Acts 1971, p. 3270), concerning the sale of alcoholic beverages in certain places, so as to further provide for the sale of such beverages, limiting the prohibition of sale outside certain municipalities to sale for on-premises consumption.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1128, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Johnson (Roy) (With Notice and Proof):

H. 1129. Relating to Tuscaloosa County; amending Section 7 of Act No. 357, S. 468 of the 1949 Regular Session (Acts 1949, p. 524), relating to the civil service regulations for Tuscaloosa County and applications therefor, so as to eliminate the provisions for an application fee.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1129, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Venable (With Notice and Proof):

H. 1130. Relating to Elmore County; providing the county governing body may, by vote at a regularly scheduled meeting of that body, increase mileage payable to county employees on official business; and repealing all laws conflicting with the provisions of this act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 1130, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Clark (W):

H. R. 322. HONORING MS. LILLIAN PERRY FOR OUTSTANDING SECRETARIAL SERVICES.

Also:

The following resolutions were introduced:

By Rep. Smith (C):

H. J. R. 323: COMMENDING THE CHILTON COUNTY WATER AND FIRE PROTECTION AUTHORITY.

WHEREAS, in high commendation, the Alabama Legislature notes the completion of the first of a multi-phase plan to provide water to all of rural Chilton County; the first phase, now operational, serves the Western portion of the county and further augments the water systems of Maplesville, Jemison and Thorsby, and provides service to the Union Camp Veneer mill industrial site; and

WHEREAS, currently serving 1,854 rural customers the \$5.8 million project consists of some 202 miles of water main, a 2-million gallon per day capacity water treatment plant, four wells supplying the raw water, three pumping stations and four above-ground storage tanks; and

WHEREAS, it is further to be noted that this multi-million dollar project was completed without any state funds whatsoever; and

WHEREAS, instrumentally responsible for completion of this new system are members of the Chilton County Water and Fire Protection Authority: Chairman James W. Donald, a 25-year veteran of the United States Army who retired with the rank of Colonel in 1969; retired Chief Warrant Officer Willard C. Smith; and former educator and probate judge, J. C. White; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Chilton County Water and Fire Protection Authority and direct that copies of this resolution be sent to Chairman Donald, and to board members Smith and White, that they may know of our sincere praise and high regard for this outstanding accomplishment.

On motion of Rep. Smith (C), the rules were suspended and the resolution, H. J. R. 323, was adopted.

Also:

By Rep. Edwards:

H. J. R. 324. CONGRATULATING AND COMMENDING MISS JENNIFER HENDERSON OF FORT DEPOSIT, LOWNDES COUNTY, ALABAMA.

WHEREAS, the Alabama Legislature is please to note the selection of little Miss Jennifer Henderson of Fort Deposit, Alabama, as the recipient of the grand national award in the 1980 Meisel Children's Personality Photo Contest; and

WHEREAS, the annual contest, which is jointly sponsored by the Gayfer Department Store Chain, is open to children under the age of twelve years, and Jennifer Henderson was selected from among thousands of participants from all over the United States; and

WHEREAS, four year old Jeffifer, the daughter of Mr. and Mrs. H. Wayne Henderson, is indeed a lovely and charming young lady who is extraordinarily beautiful and outstandingly posied for a child of so few years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Miss Jennifer Henderson of Fort Deposit, Alabama, as the grand national winner of the prestigious Meisel Contest Award; we further express our gratitude for the fame and honor she has brought to our state and wish her every future success in life.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Jennifer and to her parents, in token of our high praise and regard.

On motion of Rep. Edwards, the rules were suspended and the resolution, H. J. R. 324, was adopted.

Also:

By Reps. Kennedy, Buskey and Clark (W):

H. J. R. 325. COMMENDING MRS. IRENE J. WARE, MANAGER OF WGOK-RADIO IN MOBILE, ALABAMA.

WHEREAS, as a recipient of the prestigious Golden Key Award of Omega Psi Phi Fraternity, Mrs. Irene J. Ware of Mobile, Alabama, was honored at the organization's Second Annual Awards Banquet and Ball on March 14, 1981; and

WHEREAS, Mrs. Ware, who has been employed by Radio Station WGOK in Mobile for almost two decades, currently serves as station manager, a position she has held for the past three years; and

WHEREAS, during the impressive Golden Key awards ceremonies, Mrs. Ware was cited for numerous accomplishments and for work with the sick and bedridden, the aged and the needy whom she supports through her radio program, "The Brighter Day"; and

WHEREAS, Mrs. Ware, who has also worked with the American Cancer Society and the United Negro College Fund, is a member of the Board of Directors of the Gospel Workshop of America and, in March of 1980, was most signally honored as the first Black woman ever to receive the Gospel Dove Award of the Gospel Music Association; and

WHEREAS, further noteworthy in her achievement, Mrs. Ware is the recipient of the 1977 Woman of the Year Award by Black Radio Exclusive which is headquartered in Los Angeles, California; and

WHEREAS, Mrs. Ware's dynamic personality is reflected in her leadership which has been recognized through numerous other honors, awards and citations including the meritorious "Distinguished Leadership Award" of the Stewart Memorial C. M. E. Church and the coveted "M. O. Beale Award" bestowed by the Mobile Press Register; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mrs. Irene J. Ware for outstanding achievement and as the recent recipient of the Omega Psi Phi Golden Key Award; we further stand in tribute of her "Brighter Day" for those in need and direct that she receive a copy of this resolution which we tender in praise and in highest regard.

On motion of Rep. Kennedy, the rules were suspended and the resolution, H. J. R. 325, was adopted.

Also:

By Rep. Dial:

H. J. R. 326. COMMENDING SERGEANT MAJOR LEON L. DILLINGHAM FOR DISTINGUISHED MILITARY SERVICE.

WHEREAS, the Legislature notes with utmost commendation the distinguished military career of Sergeant Major Leon Lewis Dillingham who is retiring as Chief Enlisted Advisor to the 127th Medical Group, Alabama National Guard in Ashland, Alabama; and

WHEREAS, Leon Dillingham began his career with the National Guard in his native State of Maine; he was inducted into the United States Army in

1952, served in combat during both the Korean and Viet Nam Conflicts, and is the recipient of more than a dozen military decorations including the Meritorious Service Medal, Army Commendation Medal with three Oak Leaf Clusters and the Republic of Viet Nam Gallantry Cross with Palm; and

WHEREAS, a graduate of the University of Nebraska at Omaha with a Bachelor of General Science Degree, Sergeant Major Dillingham also has completed numerous advanced military courses at Camp Pickett, Fort McClellan and at Fort Sam Houston; and

WHEREAS, his other military assignments have included duty in Ludwigsburg, Germany, Fort Meade, Maryland and Fort Richardson in Alaska; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in gratitude and praise we most highly commend Sergeant Major Leon Lewis Dillingham of Lineville, Alabama, on his distinguished military career and wish him every success in all future endeavors.

BE IT FURTHER RESOLVED, That Sergeant Major Dillingham receive a copy of this resolution, tendered in warm praise and high regard.

On motion of Rep. Dial, the rules were suspended and the resolution, H. J. R. 326, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Smith (J), Riddick, Albright, Smith (M) and Hall:

H. R. 327. MOURNING THE UNTIMELY DEATH OF MR. PAT MILLER, JR., OF HUNTSVILLE, ALABAMA.

Also:

By Reps. Smith (J) and Carter:

H. R. 328. COMMENDING THE MEMBERS OF THE LIMESTONE COUNTY ELECTED OFFICIALS COMMISSION.

Also:

The following resolution was introduced:

By Rep. Harper (T):

H. J. R. 329. CREATING THE LEGISLATIVE JOINT INTERIM ALABAMA MARITIME RESOURCES LAW COMMITTEE.

WHEREAS, the Seafood industry being an integral part of the Alabama economy, and its health and growth effect all Alabamians; and

WHEREAS, the Seafood industry is under unusual stress from Foreign Competition and the high cost of energy; and

WHEREAS, all Alabamians enjoy the bounty brought from our waters by the Seafood industry; and

WHEREAS, some of the present Code is obsolete and is a handicap to the Alabama seafood industry; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Legislative Joint Interim Committee to study, review and examine the laws that effect the seafood industry that are contained within the Code of Alabama. Said Committee shall be composed of 4 members from both the House and the Senate. The Chairman and Vice-Chairman of the Committee shall be elected at the first meeting by the members of the Committee and shall adopt all necessary rules of procedure.

Said Committee shall:

1. Evaluate the present Code and prepare an updated modernized section for the Code.
2. Evaluate the ability of the Alabama Seafood industry to compete with both domestic and foreign competitors.
3. Study the economic strength and weaknesses of this most important part of the Alabama economy.
4. Shall study ways that the Seafood industry can grow and expand.
5. Study the problems of those involved within the Seafood industry.
6. Study and make recommendations for revisions in the statutes of the State based upon its findings.

Upon the request of the Chairman, the Secretary of the Senate and the Clerk of the House shall provide clerical assistance as may be necessary for the Committee's work. Additional assistance shall be provided by the Legislative Reference Service, or any public board, commission, committee or agency.

Said Committee shall report its findings, conclusions and recommendations to the Legislature not later than the 10th Legislative day of the next regular session, at which time the Committee shall be abolished.

Each member of the Committee shall be entitled to his regular Legislative compensation, his per diem, mileage and travel expenses for each Committee meeting attended. Said money shall be paid out of any fund appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the Committee Chairman. Provided, however, that members shall not receive additional Legislative compensation or per diem when the Legislature is in session, but they shall receive their travel expenses for all meetings attended and for any travel upon the business of the Committee.

The total expenses of the Committee shall not exceed \$10,000.

The resolution, H. J. R. 329, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Coburn and Holmes:

H. R. 330. COMMENDING DEREK RICKS OF TUSCUMBIA'S DESHLER HIGH SCHOOL.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 359. To provide for and regulate the sale, use, distribution and manufacture of certain fireworks; to provide for permits to be issued by the state fire marshal; to specifically prohibit certain fireworks and to define certain terms relating to fireworks and explosives; to prescribe penalties for violation of this Act; and to repeal Sections 13A-11-100 through 13A-11-105, Code of Alabama 1975, relating to fireworks.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Roberts, the House concurred in and adopted the Senate amendment to the bill, H. 359, said Senate amendment being as follows:

Amend H. 359 as follows: On page 4, line 35, after the word "into", delete the words "the general fund of the state treasury" and insert in lieu thereof: the Fire Marshal Fund for the enforcement of this Act

On page 1, on line 37 strike the words "any other" and strike line 38 in its entirety and on page 2 strike lines 5-10 in thier entirety and substitute in lieu thereof:

a bona fide wholesaler.

On page 2, strike lines 15-19 in their entirety and renumber following subsections accordingly.

On page 3, line 16, strike the word "jobber".

On page 4, strike line 7 in its entirety and the words "sales period for which it is issued" on line 8.

On page 4, line 9, strike the words "jobbers and".

On page 4, line 17, strike the phrase "jobber-\$750.00;"

On page 4, lines 18 and 19, strike the words ", for each period of retail sale provided for in Section 10 of this act"

On page 4, line 20, strike the word "jobber" and insert in lieu thereof: retailer

On page 4, line 22, strike the words "bona fide" and insert in lieu thereof: consumers.

On page 4, strike lines 23-28 in their entirety.

On page 4, line 31, strike the word "jobbers"

On page 5, line 33, strike the word "jobber"

On page 8, line 31, place a period after the word "Alabama" and delete the remainder of line 31 and all of lines 32 and 33.

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On page 8, at the beginning of line 34, insert the following:

The term

On page 9, line 29, strike the words "or jobbers"

On page 10, strike lines 5-8 in their entirety.

On page 10, line 11, strike the phrase "ten (10)" and insert in lieu thereof:
sixteen (16)

On page 10, line 12, after the period insert:

Any person purchasing fireworks shall be required to show a valid driver license or state approved identification card.

Yeas 52; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Barton, Bennett, Blake, Cabaniss, Carter, Cheatwood, Clark (G), Coburn, Cooley, Cosby, Crow, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Howard, Johnson (R. G.), Laird, Langford, Letson, Lewis, Manley, Minus, Mitchell, Nevett, Olive, Owens, Parker, Patton, Pegues, Rains, Ray, Reed, Riddick, Roberts, Shoemaker, Smith (M), Starkey, Tucker, Waggoner, Whatley and Wyatt.

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Nay: Rep. Brakefield.

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And the bill, H. 359 as thus amended, was again read at length and passed.

Yeas 54; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bennett, Biddle, Blake, Bowling, Cabaniss, Campbell, Carter, Cheatwood, Clark (G), Coburn, Cooley, Cosby, Crow, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Harper (O), Horn, Howard, Johnson (R. G.), Kelley, Laird, Langford, Letson, Manley, Minus, Mitchell, Nevett, Olive, Owens, Parker, Patton, Pegues, Rains, Reed, Riddick, Roberts, Shoemaker, Smith (M), Tucker, Waggoner, Whatley and Wyatt.

—54

Nay: Rep. Brakefield.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Messrs. White, St. John, Goodwin and Cook:

S. 600. To provide further for political contributions by corporations, whether for profit or non-profit.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate bill, S. 600, the title of which is set out in the above and foregoing Message from the Senate, was read a first time at length as required by the Constitution, and referred to the Standing Committee on Banking.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Messrs. deGraffenried and Callahan:

S. 560. To create the Board of Corrections Capital Outlay Oversight Commission; to prescribe the composition and appointment of the membership and terms of office; to prescribe the commission's powers and duties; to provide for the election of a chairman and vice chairman of the commission and its organization, meetings and conduct of business; to make a conditional supplemental appropriation from the general fund of the state treasury, for the fiscal year ending September 30, 1982, to the Board of Corrections for capital outlay purposes and to prescribe the conditions of release therefor; and to provide for legislative compensation, per diem and travel expenses.

Also:

By Messrs. White and Smith:

S. 645. To provide that state employees' existing benefits and certain future benefits shall not be affected by any employees' reclassification plan.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 560. Ways and Means.

S. 645. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Hilliard:

S. 637. Proposing an Amendment to the Constitution of Alabama of 1901, relative to repealing Amendments No. 83 and 110; and providing that vacancies occurring in a judicial office in Jefferson County shall be filled as otherwise provided by the Constitution of Alabama of 1901 or statewide law.

Also:

By Mr. Vacca:

S. 329. To create three additional judgeships for the Tenth Judicial Circuit of Alabama; to provide for the election of such judges; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judges, and to render such judges liable to all the pains and penalties of other circuit judges in the state; to further provide for a division of authority and duties between judgeships in said circuit; to increase the number of circuit judges in the Tenth Judicial Circuit of Alabama to 23; to amend Section 12-17-20 of the Code of Alabama 1975; to repeal all laws or parts of laws in conflict herewith, and to provide for the effectiveness and effective date of this Act; and to provide that the provisions of the Act are non-severable.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate bill, S. 637, the title of which is set out in the above and foregoing Message from the Senate, was read a first time at length as required by the Constitution, and referred to the Standing Committee on Ways and Means.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 329. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Mitchem (With Notice and Proof):

S. 636. Relating to Marshall County, to amend Act 197, H. 439, Regular Session 1975, (Acts 1975, p. 682), so as to provide that the board of education may set the superintendent of education expense allowance; to repeal certain acts in conflict.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 636, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 636. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Pearson:

S. 551. To provide that full-time employees and executive officers of the Alabama Congress of Parents and Teachers, Inc., may elect to become members of the Teachers' Retirement System of Alabama; also to provide that said Congress and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the State.

Also:

By Mr. Callahan:

S. 450. To exempt the Villa Mercy, A Corporation, the Allen Memorial Home, Inc, the Little Sisters of the Poor Home for the Aged, Inc., and the Particular Council of Mobile Society of St. Vincent de Paul, United States Sports Academy, from all state, county and use taxes.

McDOWELL LEE, SECRETARY.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 551. Ways and Means.

S. 450. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Little (with Notice and Proof):

S. 651. Relating to Tallapoosa County; increasing the salaries of deputies to the sheriff.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 651, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

, Also:

By Mr. Little (With Notice and Proof):

S. 652. Relating to Tallapoosa County; to amend further Section 2 of Act No. 83, H. 427, Regular Session of 1957 (Acts 1957, p. 124), so as to provide further for the office and travel expenses of the coroner; and to provide for retroactive effect.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 652, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. McDonald (With Notice and Proof):

S. 653. Relating to Limestone County; amending Act No. 79-501, S. 620, 1979 Regular Session (Acts 1979, p. 914), which provides for distribution of T. V. A. payments, so as to provide further for said payments.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 653, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Little (With Notice and Proof):

S. 655. Relating to Tallapoosa County; amending Act No. 147, H. 163, 1969 Regular Session (Acts 1969, p. 210), which provides for the imposition of a privilege license or excise tax on sellers, distributors, storers, or users of malt or brewed beverages in the county, so as to provide further for the administration of the Act.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 655, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Messrs. Taylor and Goodwin (With Notice and Proof):

S. 656. To amend Section 1 of Act No. 333, H. 234 Special Session 1966, (Acts 1966, p. 476) which relates to expense allowances of the chairman and members of the county board of equalization of Autauga County.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 656, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Teague (With Notice and Proof):

S. 577. Relating to Talladega County; repealing Act No. 79-593, H. 949, 1979 Regular Session (Acts 1979, p. 1055), which provides for additional fees to be assessed against taxpayers delinquent in the payment of ad valorem taxes and providing for its retroactive effect.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 577, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Figures (With Notice and Proof):

S. 660. To amend the Title and Section 1 of Act No. 155, H. 654, Regular Session 1969 (Acts 1969, p. 430) which provides that the Governing Body of any city or town in any county in the State of Alabama having a population in excess of 300,000 and less than 600,000 inhabitants may create the position of Assistant City Attorney on a full-time basis and may provide that any person holding such position in the municipal government shall be immediately placed upon the employment civil service or merit system roster of such county without examination or decrease in salary and that such position shall thereafter remain under the provisions of any such civil service or merit system, so that such municipal governing body may create one or more positions of Assistant City Attorney on a full-time basis and may provide that any person or persons filling such position or positions shall be immediately placed upon such employment civil service or merit system roster without examination or decrease in salary and that such position shall thereafter remain under the provisions of any such civil service or merit system.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 660, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Britnell (with Notice and Proof):

S. 638. Relating to Marion County; to further amend Act No. 80-128, H. 603, 1980 Regular Session, entitled "An Act Relating to Marion County; providing for the disposal of property under the control of the county commission; providing that competitive bids must be submitted; providing for the disposition of revenues received from the sale of said property; and providing for penalties for violations," so as to provide further for said disposal.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 638, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 651. Local Legislation No. 1.
- S. 652. Local Legislation No. 1.
- S. 653. Local Legislation No. 1.
- S. 655. Local Legislation No. 1.
- S. 656. Local Legislation No. 1.
- S. 577. Local Legislation No. 1.

S. 660. Local Legislation No. 3.

S. 638. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Messrs. Barron, Robertson, Parsons, Harrison, Britnell, Little, Taylor, Denton, Holmes, Proctor, Glass, Hall, Miller, Bailey, Vacca and Teague:

S. 255. To provide salary increases for certain state employees and to appropriate funds therefor.

Also:

By Mr. Hilliard:

S. 532. To exempt the Birmingham-Jefferson County Transit Authority from the duty to pay state, county, and municipal taxes.

Also:

By Messrs. Barron and Robertson:

S. 557. To exempt the National Multiple Sclerosis Society from the payment of all state, county and municipal sales and use taxes.

Also:

By Mr. Denton:

S. 598. Establishing a state board of barber examiners and prescribing procedures for the licensing and practice of barbering and barber colleges and providing penalties for violations of this act.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 255. Ways and Means.

S. 532. Ways and Means.

S. 557. Ways and Means.

S. 598. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Lemaster:

S. 585. To provide an appropriation of funds which are available to the Division of Employment Security of the Alabama Department of Industrial Relations out of funds credited to this State's account in the Unemployment Trust Fund by the Secretary of the Treasury of the United State of America pursuant to Section 903 of the Social Security Act, as amended, for the purpose of purchasing land and constructing a building in Ft. Payne, Alabama, and at such other locations as the Director shall determine to be in the best interest of the State and/or purchasing furnishings and equipment therefor and the cost of which does not in total exceed the amount of the appropriation. Such buildings are to be occupied by the Division of Employment Security of the Department of Industrial Relations of the State of Alabama, the same to be used exclusively by employees of said Division of Employment Security.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 585. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Hilliard:

S. 515. To amend Section 40-17-78, Code of Alabama 1975, which provides for the distribution of proceeds from gasoline taxes, so as to provide further for said distribution.

Also:

By Mr. Callahan:

S. 120. To amend Act No. 80-658 of the 1980 Legislature of Alabama, Sections 5-7A-40 through 5-7A-43, Code of Alabama 1975, to authorize any banking corporation organized under the laws of this state to reorganize with a national banking association, to define the circumstances under which such a reorganization may take place, to state the procedures necessary to accomplish such reorganization, to prescribe the rights and duties of parties to such reorganization to provide that this Act shall not be deemed to confer upon a resulting bank the right to establish additional branch banking offices which could not have been established by a bank which is a party thereto had such reorganization not occurred, to repeal inconsistent laws, and to provide that the provisions of this Act shall be severable.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 515. Ways and Means.

S. 120. Banking.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Messrs. White, Proctor, Hilliard, deGraffenried, Cook, Parsons, Holmes and Miller:

S. 69. To amend Section 16-40-7 of the Code of Alabama, 1975, requiring comprehensive health education in the public schools of Alabama, so as to further provide for the commencement of such instructions for certain pupils and to prescribe the minimum health instruction requirements for grades K through nine.

Also:

By Messrs. Kirkland, Barron, Robertson, Proctor, Grass, Parsons, White, Cook and Teague:

S. 333. To amend Section 32-6-65, Code of Alabama 1975, as amended, which relates to penalties for late purchase of auto license tags, so as to alter said penalties.

Also:

By Mr. McDonald:

S. 588. Relating to franchise agreements between retailers engaged in the business of selling and retailing farm implements, machinery, utility and industrial equipment, attachment or repair parts, and wholesalers, manufacturers or distributors therefor; requiring repurchase of certain inventory, stock and equipment from such retailers upon termination of a contract between the retailer and wholesalers, manufacturers, or distributors, as the case may be; providing procedures for such repurchase; establishing limitations and rights upon such repurchase; providing civil liability for failure to repurchase; extending the right to require repurchase option to the heirs of retailers; providing for warranty claims; providing for contractual rights and indemnification; providing for auditing and prescribing time limits therefor and for collections.

Also:

By Mr. Britnell:

S. 361. To further amend Section 40-9-19, Code of Alabama 1975, which provides for a homestead exemption from ad valorem taxation for certain single-family owner-occupied residential property, so as to provide, effective retroactively to October 1, 1980, that such exemption shall apply if such property is used primarily as a residence, even though a portion thereof is used for commercial purposes.

Also:

By Mr. Lemaster:

S. 367. This bill amends § 40-21-53 of the Code of Alabama 1975 to provide for an exemption from the 2.2% Gross Receipts License Tax for electricity sold to certain persons who are 62 years of age or older or are totally and permanently disabled, and provides that certain persons who are 62 years of age or older or who are totally and permanently disabled shall receive a credit in the amount of the 2.2% tax on their monthly electric bills.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 69. Ways and Means.
- S. 333. Ways and Means.
- S. 588. Judiciary.
- S. 361. Ways and Means.
- S. 367. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Keener:

S. 439. Relating to the state merit system; to further provide for the adoption of new classification and compensation plans for the state service, or changes in sick leave policies.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

- S. 439. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Messrs. deGraffenried and Callahan:

S. 561. To create the Mental Health Capital Outlay Oversight Commission; to prescribe the composition and appointment of the membership and terms of office; to prescribe the commission's powers and duties; to provide for the election of a chairman and vice chairman of the commission and its organization, meetings and conduct of business; to make a conditional supplemental appropriation from the general fund of the state treasury, for the fiscal year ending September 30, 1982, to the department of Mental Health for capital outlay purposes and to prescribe the conditions of release therefor; and to provide for legislative compensation, per diem and travel expenses.

Also:

By Mr. White:

S. 644. To exempt the Alabama Federation of Women's Clubs from the payment of all state, county and municipal sales and use taxes.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 561. Ways and Means.

S. 644. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Keener:

S. 405. To amend Sections 2-10-21 and 2-10-23, Code of Alabama 1975, by raising initial permit fees to \$25.00; to require annual renewal permit fees of \$25.00.

Also:

By Mr. Callahan:

S. 544. To amend Section 5-16-31, Code of Alabama 1975, which provides for reorganizations of savings and loan associations, so as to provide that existing mutual savings and loan associations operating in this state may convert from the mutual to the capital stock form of organization upon approval of the savings and loan Commissioner and upon approval by majority vote of members attending a meeting called to consider conversion.

Also:

By Mr. Little:

S. 432. To exempt the East Alabama Services for the Elderly, Inc. from all state, county and municipal sales and use taxes.

Also:

By Mr. Barron:

S. 316. To provide for the licensure and regulation of any person, partnership, association or corporation engaged in servicing, recharging, repairing, testing, inspecting or installing fire extinguishers and fire systems; to prescribe further duties and powers of the State Fire Marshal; to provide for the inspection of portable fire extinguishers at regular intervals; to authorize the State Fire Marshal to promulgate rules and regulations for the administration of this act; to provide that moneys collected pursuant to this act shall be deposited in the State Fire Marshal's Fund; to authorize the State Fire Marshal to expend funds from the State Fire Marshal's Fund for the administration and enforcement of this act; to prescribe license fees pursuant to this act; and to prescribe penalties for violation of the act.

Also:

By Messrs. Higginbotham, Parsons, Kirkland, Teague, Callahan, Cook, Gullede, Keener, Robertson, Bailey and Vacca:

S. 335. To amend Sections 40-17-38 and 40-17-221, Code of Alabama 1975, so as to authorize and direct the Commissioner of the Department of Revenue of this state to allow a discount, not to exceed two percent (2%) of the first Five Thousand Dollars (\$5,000) of taxes paid and one percent (1%) of all amounts of taxes paid in excess of Five Thousand Dollars (\$5,000) and not to exceed in any case Three Hundred Fifteen Dollars (\$315) on taxes paid in any one month, to licensed and bonded refiners, storers, distributors or wholesalers as defined by Section 40-17-30, Code of Alabama 1975, who collect excise taxes under the provisions of Sections 40-17-31 and 40-17-220, Code of Alabama 1975.

Also:

By Mr. Robertson:

S. 285. To amend Code of Alabama 1975, Section 36-27-16, which relates to the Employees' Retirement System, amending said section so as to provide that any member who has attained age 60, or age 52 in the case of a state policeman, and has previously withdrawn from service may retire upon written application to the board of control setting forth at what time, not less than 30 days, nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided that the said member shall have completed the age and service requirements established by the board of control for eligibility for deferred benefits. To provide that the board of control shall establish said age and service requirements; and that from time to time, said requirements for the minimum years of creditable service shall not be less than 10 years nor more than 25 years.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committee as follows:

S. 405. Agriculture and Forestry.

- S. 544. Banking.
- S. 432. Ways and Means.
- S. 316. Ways and Means.
- S. 335. Ways and Means.
- S. 285. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Gullledge:

S. 240. To amend Section 5-5A-19, Code of Alabama 1975, which relates to the amount of reserve that a bank which is not a member of the Federal Reserve System is required to maintain and to repeal the provisions fixing minimum and maximum amount of required reserves.

Also:

By Messrs. White, Proctor and Holmes:

S. 459. To amend the "Hazardous Wastes Management Act of 1978" so as to enlarge and prescribe the remedies and civil and criminal penalties for contamination of groundwater or other violations of the Act or the rules and regulations promulgated thereunder and to require that operators of hazardous waste storage or treatment facilities and hazardous waste disposal sites must post bonds or provide other acceptable financial assurances payable to the State of Alabama conditioned upon compliance with the Act and the rules and regulations promulgated thereunder.

Also:

By Mr. Barron:

S. 417. To amend Section 2-7-7, Code of Alabama 1975, which Section relates to a payment by the Alabama Agricultural and Industrial Exhibit Commission to the South Alabama State Fair Association for premiums, awards and prizes given at said Fair to exhibitors of cattle, sheep, goats, hogs, agricultural shows or exhibits, fine art shows, exhibits for 4-H Clubs, Future Farmers of America, and Future Homemakers of America, poultry and other types of exhibits so as to remove a limitation of \$10,000.00 which the said Section imposes.

Also:

By Mr. White:

S. 419. To define and regulate self-service facilities; to provide for a lien on property stored in such facilities; and to provide for the enforcement of said lien.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 240. Banking.
- S. 459. Health.
- S. 417. Agriculture and Forestry.
- S. 419. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Higginbotham (With Notice and Proof):

S. 609. To alter, rearrange and extend the boundary line and corporate limits of the City of Opelika in Lee County, Alabama, so as to include within the corporate limits of said city certain additional territory.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 609, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Martin (With Notice and Proof):

S. 640. To extend, alter and rearrange the boundaries and corporate limits of the City of Decatur, a municipal corporation in the State of Alabama so as to include within the corporate limits of the City of Decatur certain adjacent territory.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 640, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Callahan (With Notice and Pfoof):

S. 402. Relating to Mobile County, the Probate Judge shall not receive for record or permit the recording of any instrument, conveying title or any interest in real property that does not have legibly printed, typewritten or stamped thereon the Grantee's name and latest complete address.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 402, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Callahan (With Notice and Proof):

S. 403. To authorize the Tax Assessor of Mobile County to establish a certain salary schedule for all appointed positions in that office.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 403, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Callahan (With Notice and Proof):

S. 628. To propose an amendment to the Constitution of Alabama with respect to the filling of vacancies in the office of judge of the circuit court and the office of judge of the district court of Mobile County.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 628, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 609.. Local Legislation No. 1.
- S. 640. Local Legislation No. 1.
- S. 402. Local Legislation No. 3.
- S. 403.. Local Legislation No. 3.

SENATE MESSAGE

The Senate Bill, S. 628, the title of which is set out in the above and foregoing Message from the Senate, was read a first time at length as required by the Constitution, and referred to the Standing Committee on Local Legislation No. 3.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Weeks, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca and White:

S. J. R. 179. COMMENDING JUDY G. McLEAN, ON SUCCESSFULLY COMPLETING THE EXAMINATION FOR CERTIFIED PUBLIC ACCOUNTANTS.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature notes that Mrs. Judy G. McLean, native of Grove Hill, Alabama, and Human Resource Fiscal Analyst, Legislative Fiscal Office, has successfully completed the examination for Certified Public Accountants; and

WHEREAS, Mrs. McLean received her Bachelor of Science Degree in Business and Accounting from Auburn University, and presently she is pursuing a Masters in Business Administration, Auburn University of Montgomery; and

WHEREAS, this Legislature is particularly proud of Mrs. McLean's accomplishments because she has given her fiscal expertise to us for over two and one-half years since working in the Legislative Fiscal Office; and

WHEREAS, Mrs. Judy McLean is a member of the Committee on Fiscal Affairs and Government Operations of the Southern Legislative Conference of the Council of State Governments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend Mrs. Judy G. McLean on her recent accomplishment of successfully completing the certified public accountants' examination and give her a copy of this resolution as evidence of our concurring pride and in appreciation of her fine assistance to this Legislative body.

RESOLVED FURTHER, That we do commend Mr. Victor McLean, husband of Judy G. McLean, on his encouragement and supportiveness of his wife in her ambitious endeavors.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolutuion, S. J. R. 179, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs.:deGraffenried, Bailey, Barron, Britnell, Callahan, Cook, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White:

S. J. R. 174. MOURNING THE DEATH OF MR. FLOYD TATE OF BOAZ, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Kelley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 174, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Martin:

S. J. R. 172. REQUIRING THE CHIEF EXAMINERS OF PUBLIC ACCOUNTS TO ASCERTAIN AMOUNT OWED BY STATE TO THE COUNTIES FOR HOUSING, FEEDING, AND CARING FOR STATE PRISONERS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the chief examiner of public accounts is hereby authorized and directed to provide for ascertaining the exact amount currently owed by the State of Alabama to each of the several counties of the state for housing, feeding and caring for state prisoners.

BE IT FURTHER RESOLVED, That the chief examiner of public accounts report his findings, itemizing the amount owed to each county of the state and also showing the total amount owed to all counties to the joint Legislative Committee on Public Accounts at the next quarterly meeting of said committee.

McDOWELL LEE,
Secretary.

The resolution, S. J. R. 172, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Joint Resolution and ordered same sent forthwith to the House without engrossment:

By Messrs. Mitchem and Robertson:

S. J. R. 171. COMMENDATION OF JOSEPH P. GIVHAN FOR HIS OUTSTANDING SERVICE TO ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 171, the title of which is set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Harrison:

S. J. R. 177. MOURNING THE DEATH OF W. D. "WILLIE" DeARMOND, MONTGOMERY, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resoltuion, S. J. R. 177, the title of which is set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs.: Little, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White:

S. J. R. 176. MOURNING THE DEATH OF MR. JAMES R. RAIFORD OF MONTGOMERY, ALABAMA.

WHEREAS, the Alabama Legislature grievously notes the death of Mr. James R. Raiford of Montgomery, Alabama, on April 29, 1981, at the age of 46; and

WHEREAS, Mr. Raiford, who was educated in the public schools of his native Clay County, was a graduate of Auburn University with a B. S. Degree in Business Administration, and he had been an employee of the State of Alabama for more than 20 years; and

WHEREAS, Mr. Raiford's first state employment was with the Office of Examiners of Public Accounts, from 1960 until 1971, at which time he transferred to the Budget Office as an Examiner II; and

WHEREAS, while serving in such capacity, Mr. Raiford was appointed Acting Budget Officer in October 1975, to assume permanent office in January 1976; and

WHEREAS, Jimmy Raiford, who was a member of the First Baptist Church of Ashland, was also a member and past president of the National Association of State Budget Officers; and

WHEREAS, during his exemplary service with the State of Alabama, Mr. Raiford earned the admiration and respect of this body, most particularly for his accomplished tenure as State Budget Officer during which time he was of invaluable assistance on numerous occasions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of our friend, James R. Raiford, and extend our most heartfelt sympathy to all members of his family to whom a copy of this resolution shall be sent.

The resolution, S. J. R. 176, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Little:

S. J. R. 175. HONORING MR. TOMMY GOFF OF AUBURN, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 175, the title of which is set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 547. To amend Section 25-4-75, Code of Alabama 1975, as last amended, to comply with the requirement of federal law as contained in Public Law 96-499 relating to benefits under the extended benefit program so as to provide for a limit to the first 2 weeks of benefits paid on an interstate claim filed in an agent state where no extended benefit period is in effect; to provide restrictions on eligibility for such benefits to individuals who fail to accept any offer of suitable work and to define "suitable work", actively engage in systematic and sustained effort to find work and to furnish tangible evidence of such efforts; to provide penalties for violations thereof; and to meet the requirements that these provisions become effective for weeks of unemployment commencing after March 31, 1981.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Kelley, the House concurred in and adopted the Senate amendment to the bill, H. 547, said Senate amendment being as follows:

Amend HB-547 (SB-358) by deleting subsection (k) beginning on line 34 of page 8 and ending on line 7 of page 9 and inserting a new subsection (k) as follows:

(k) **EMPLOYMENT REQUIRED AFTER INVOLUNTARY SEPARATION.** No provision of section 25-4-78 of this chapter which terminates a disqualification for regular or extended benefits because he or she has voluntarily left employment, was suspended or discharged for misconduct or failed to accept an offer of or apply for suitable work shall apply for purposes of determining eligibility for extended benefits unless the disqualification imposed has been terminated based upon employment in four weeks and remuneration of an amount which equals or exceeds four times the individual's weekly amount subsequent to the effective date of such disqualification.

Yeas 38; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bennett, Blake, Bowling, Brakefield, Cabaniss, Carothers, Coburn, Cooley, Cosby, Dial, Drinkard, Edwards, Grimsley, Hall, Hammett, Harper (O), Laird, Letson, Minus, Mitchell, Naramore, Nevett, Parker, Pegues, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shavers, Turner, Venable and Williams.

—38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 547 as thus amended, was again read at length and passed.

Nays 41; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Bennett, Blake, Brakefield, Cabaniss, Dial, Drinkard, Escott, Ford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Horn, Johnson (Roy), Kelley, Laird, Letson, Mitchell, Moore, Naramore, Nevett, Olive, Parker, Penry, Ray, Reed, Riddick, Roberts, Sasser, Shavers, Smith (C), Turner, Venable and Williams.

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill.

H. 821. Relating to Talladega County; amending Section 4 of Act No. 79-609, H. 947, 1979 Regular Session (Acts 1979, p. 1077), levying a license or privilege tax on malt or brewed beverages, so as to provide further for the distribution of the proceeds from such tax.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Bennett, Brakefield, Cates, Coburn, Cooley, Dial, Drinkard, Edwards, Gilmer, Goodwin, Grimsley, Hall, Hammett, Harper (O), Harper (T), Horn, Kelley, Laird, Letson, McKee, McMillan, Minus, Moore, Naramore, Olive, Penry, Rains, Ray, Reed, Roberts, Seibels, Shavers, Shoemaker, Venable, Williams, Willis and Wyatt.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 975. Relating to Chambers County; to provide for an expense allowance for the members of the county commission.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bennett, Biddle, Blake, Bowling, Brakefield, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Horn, Johnson (Roy), Kelley, Laird, Langford, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Venable, Warren, Williams, Willis and Wyatt.

—68

And the bill:

H. 1025. (With Amendment): Relating to Lawrence County; to provide further for the compensation of the county superintendent of education, effective July 1, 1981 upon the expiration of the present term of office.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 1025 on Section 1, page 1, line 24 by striking through the words "county treasury" and inserting in lieu thereof the following:

Board of Education

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bennett, Biddle, Blake, Bowling, Brakefield, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Horn, Johnson (Roy), Kelley, Laird, Langford, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Venable, Warren, Williams, Willis and Wyatt.

—68

And the bill, H. 1025, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bennett, Biddle, Blake, Bowling, Brakefield, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Horn, Johnson (Roy), Kelley, Laird, Langford, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Venable, Warren, Williams, Willis and Wyatt.

—68

And the bill:

H. 1026. Relating to Lawrence County; to provide the tax assessor and tax collector an expense allowance which will be in effect from October 1, 1981 until the expiration of their present terms of office; and to provide for additional compensation for such officers effective upon the expiration of the present terms of office.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bennett, Biddle, Blake, Bowling, Brakefield, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Horn, Johnson (Roy), Kelley, Laird, Langford, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Venable, Warren, Williams, Willis and Wyatt.

—68

And the bill:

H. 1027. Relating to Lawrence County; authorizing the county commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and prescribing the procedure for levying and collecting such assessments.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bennett, Biddle, Blake, Bowling, Brakefield, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Horn, Johnson (Roy), Kelley, Laird, Langford, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Venable, Warren, Williams, Willis and Wyatt.

—68

And the bill:

H. 1028. Relating to Lawrence County; to provide for the distribution of Lawrence County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes.

Was taken up.

AMENDMENT OFFERED

Rep. Letson offered the following bill, H. 1028:

On page 2, delete all the language on line 16 and insert in lieu thereof:
the county gasoline tax fund.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bennett, Biddle, Blake, Bowling, Brakefield, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Horn, Johnson (Roy), Kelley, Laird, Langford, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Venable, Warren, Williams, Willis and Wyatt.

—68

And the bill, H. 1028, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bennett, Biddle, Blake, Bowling, Brakefield, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Horn, Johnson (Roy), Kelley, Laird, Langford, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Venable, Warren, Williams, Willis and Wyatt.

—68

And the bill:

H. 1032. Relating to Hale County; to give the county commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, schools, individual or nonprofit associations or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or the sale of materials under the provisions of this Act.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bennett, Biddle, Blake, Bowling, Brakefield, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Horn, Johnson (Roy), Kelley, Laird, Langford, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Venable, Warren, Williams, Willis and Wyatt.

—68

And the bill:

H. 1042. To amend Section 11-50-313, Code of Alabama 1975, which provides for the boards of directors for the operation of water, sewer, gas and electric systems, so as to provide further for the salaries of said board members and to provide for its retroactive effect.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bennett, Biddle, Blake, Bowling, Brakefield, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Gimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Horn, Johnson (Roy), Kelley, Laird, Langford, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Venable, Warren, Williams, Willis and Wyatt.

—68

And the bill:

H. 879. To amend further Section 6 of Act No. 833 of the Legislature of Alabama 1969, as amended, by which the retirement system for employees of Montgomery County was established, so as to provide further for eligibility requirements for retirement benefits under such system.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bennett, Biddle, Blake, Bowling, Brakefield, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Horn, Johnson (Roy), Kelley, Laird, Langford, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Venable, Warren, Williams, Willis and Wyatt.

—68

And the bill:

H. 960. (With Amendment): Relating to Montgomery County; to provide further for the expense allowances of certain county officers.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 4, said committee amendment being as follows:

Amend H. B. 960, page 1, line 22, by striking the figure \$32,000, and inserting in lieu thereof, the following:

\$32,500.00

And the amendment was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bennett, Biddle, Blake, Bowling, Brakefield, Campbell, Carothers, Carter, Cates, Clark (G), Coburn,

Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Horn, Johnson (Roy), Kelley, Laird, Langford, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Venable, Warren, Williams, Willis and Wyatt.

—68

And the bill:

H. 960, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bennett, Biddle, Blake, Bowling, Brakefield, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Horn, Johnson (Roy), Kelley, Laird, Langford, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Venable, Warren, Williams, Willis and Wyatt.

—68

And the bill:

H. 939. Relating to Walker County; granting the county governing body certain powers and authority in regard to constructing and maintaining roads and driveways leading to churches, and church-owned cemeteries.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bennett, Biddle, Blake, Bowling, Brakefield, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Horn, Johnson (Roy), Kelley, Laird, Langford, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Venable, Warren, Williams, Willis and Wyatt.

—68

H. 940 POSTPONED

On motion of Rep. Naramore, the bill, H 940, was postponed to the twenty-seventh day.

REGULAR SESSION
26th Day

1785

H. 941 POSTPONED

On motion of Rep. Naramore, the bill, H. 941, was postponed to the twenty-seventh legislative day.

And the bill:

H. 1033. Relating to Baldwin County; to provide for payment of a portion of the proceeds derived from the sale of property confiscated for violation of the controlled substances act to the sheriff's department.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bennett, Biddle, Blake, Bowling, Brakefield, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Horn, Johnson (Roy), Kelley, Laird, Langford, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Venable, Warren, Williams, Willis and Wyatt.

—68

And the bill:

H. 1038. To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Elmore County and to provide for the use of such fees.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bennett, Biddle, Blake, Bowling, Brakefield, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Horn, Johnson (Roy), Kelley, Laird, Langford, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Venable, Warren, Williams, Willis and Wyatt.

—68

And the bill:

S. 461. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama.

Was taken up.

SUBSTITUTE OFFERED

Rep. Dial offered the following substitute to the bill, S. 461:

A BILL
TO BE ENTITLED
AN ACT

To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama, be, and the same are hereby extended, altered, and rearranged so as to include within the corporate limits of said Town all of the following described territory:

The Southeast Quarter (SW $\frac{1}{4}$) of Section 24: The North Three-quarters of the Northwest Quarter (N $\frac{3}{4}$ of NW $\frac{1}{4}$) of Section 25: The North Half (N $\frac{1}{2}$) of Section 26: The Southwest Quarter (SW $\frac{1}{4}$) of Section 30: The West Quarter of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section 31: The Southeast Quarter (SE $\frac{1}{4}$) of Section 34: All in Township 16 South, Range 5 East.

The South Half (S $\frac{1}{2}$) of Section 25: All in Township 16 South, Range 4 East.

The Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section 5: The Northwest Quarter (NW $\frac{1}{4}$) of Section 6: The North Half of the South Half (N $\frac{1}{2}$ of S $\frac{1}{2}$ of Section 7: All in Township 17 South, Range 5 East.

The Northeast Quarter of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section 11: The South Half of the Northwest Quarter (S $\frac{1}{2}$ of NW $\frac{1}{4}$) and the North Half of the Southwest Quarter (N $\frac{1}{2}$ of SW $\frac{1}{4}$) of Section 12: The West Half of the Southeast Quarter (W $\frac{1}{2}$ of SE $\frac{1}{4}$) and the Northeast quarter of the Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 12: All in Township 17 South, Range 4 East.

Section 2. That all farm lands annexed by this Act shall be exempt from ad valorem taxation by the Town of Lincoln during the time such land is used for farming purposes.

Section 3. The police jurisdiction of said town shall not extend to or be operative in any of the following described territory, and such territory is excluded from any such police jurisdiction which otherwise would have been created by this act, or which was created by any previous act of the Alabama Legislature:

All of Section 1 South of U. S. Interstate Highway 20, all of the East Half of Section 2 South of Speedway Boulevard (Talladega County Road 114), all of the East Half of Section 11, and all of Section 12, all in Township 17 South, Range 5 East:

All of Section 6 South of U.S. Interstate Highway 20, and all of Section 7, all in Township 17 South, Range 6 East.

Section 4. The provisions of this act are not severable. If any portion of this act is held to be unlawful or unconstitutional for any reason, the entire act shall be void and of no effect.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bennett, Biddle, Blake, Bowling, Brakefield, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Horn, Johnson (Roy), Kelley, Laird, Langford, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Venable, Warren, Williams, Willis and Wyatt.

—68

And the bill, S. 461 as thus amended, was read a third time at length and passed.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bennett, Biddle, Blake, Bowling, Brakefield, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Horn, Johnson (Roy), Kelley, Laird, Langford, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Venable, Warren, Williams, Willis and Wyatt.

—68

PERMISSION GRANTED

Permission was granted for the Journal to show Rep. Cobb voting "Yea" on all local bills.

PERMISSION GRANTED

Permission was granted for the Journal to show Rep. Johnson (R. G.) voting "Yea" on S. 461.

MOTION TO SUSPEND RULES

Rep. Bennett offered the motion to suspend the rules in order to take up out of order the bill, H. 743.

DIVISION OF THE QUESTION

Rep. Tucker called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES ADOPTED

The question was then on the motion offered by Rep. Bennett to suspend the rules in order to take up out of order the bill, H. 743, and the motion was adopted.

Yeas 18; Nays 4.

Yeas:

Reps. Adams (H), Bennett, Biddle, Boles, Cabaniss, Cheatwood, Escott, Gafford, Hall, Jackson, Lewis, Moore, Olive, Payne, Reed, Seibels, Trammell and Waggoner.

—18

Nays: Reps. Harrison, Horn, Howard and Tucker.

—4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO RECONSIDER LOST

Having voted on the prevailing side, Rep. Reed offered the motion to reconsider the vote by which the rules were suspended in order to take up out of order the bill, H. 743, and the motion to reconsider was lost.

Yeas 9; Nays 14.

Yeas:

Reps.: Cheatwood, Escott, Hall, Harrison, Horn, Howard, Jackson, Nevett and Tucker.

—9

Nays:

Reps.: Amari, Bennett, Biddle, Boles, Cabaniss, Gafford, Lewis, Moore, Olive, Payne, Rains, Seibels, Trammell and Waggoner.

—14

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 743. To provide further for the compensation of certain election officers and workers in counties which have a population in excess of 500,000, according to the most recent federal decennial census, and to repeal all conflicting statutes.

Was taken up.

SUBSTITUTE OFFERED

Rep. Bennett offered the following substitute to the bill, H. 743:

A BILL
TO BE ENTITLED
AN ACT

Relating to Jefferson County; providing further for the expense allowance of certain election officers.

Be It Enacted by the Legislature of Alabama:

Section 1. In Jefferson County, in all general, municipal, special and primary elections, the total compensation of the chief inspector shall be \$70.00 per day and the total compensation of the assistant chief inspector shall be \$60.00 per day. If the amount paid to such officials as compensation or expense allowance by the state increases in the future, then the amount paid by the county under this Act shall automatically decrease in a like amount. The expense allowance provided for in this Act shall be paid from the general fund of the county.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO POSTPONE TABLED

On motion of Rep. Bennett, the motion offered by Rep. Tucker to postpone the bill, H. 743 with pending substitute, to the twenty-seventh legislative day, was tabled.

Yeas 13; Nays 5.

Yeas:

Reps.: Amari, Bennett, Biddle, Boles, Cabaniss, Gafford, Lewis, Moore, Olive, Payne, Seibels, Trammell and Waggoner.

—13

Nays: Reps.: Harrison, Horn, Jackson, Nevett and Tucker.

—5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 14. To amend Section 2 of Act No. 929, H. 1365, 1961 Regular Session (Acts 1961, p. 1487), relating to the Mobile Tree Commission.

Also:

H. 337. To amend Section 20-2-93, Code of Alabama 1975, relating to forfeitures and seizures of property and vehicles used in violation of the Alabama Controlled Substances Act so as to provide for the sale of such property and vehicles and to further provide for the use and disposition of the proceeds from the sale of forfeited property.

Also:

H. 627. To provide for fees, to set fees, to establish the method of collection, and to provide for the disbursement of fees for the Sheriff of Mobile County, Alabama.

Also:

H. 628. To establish a Sheriff's filing fee on all civil and criminal cases filed in Mobile County, Alabama, and to provide for the collection and disbursement of said fee.

Also:

H. 629. To provide for supplementing the salaries or compensation paid to certain semiretired or retired district judges in the 13th Judicial Circuit.

Also:

H. 711. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Steele in St. Clair County.

Also:

H. 857. Relating to Limestone County; providing expense allowances and compensation for certain county officials.

Also:

H. 906. Relating to Tallapoosa County; providing for an additional allowance for election officials who work at polling places.

Also:

H. 957. Relating to Perry County; to amend further Section 1 of Act No. 348, H. 868, Regular Session 1969 (Acts 1969, p. 720), relating to a clerk hire allowance and expenses of the tax assessor and tax collector, so as to provide for an additional clerk for the tax assessor.

Also:

H. 970. Relating to Lowndes County; fixing the fee for issuance of a pistol permit fee by the sheriff; providing for the distribution and use of such fees; and to repeal Act No. 119, H. 108 (Acts of Alabama 1969, p. 190), Regular Session 1969, as amended, and all other laws or parts of laws in conflict herewith.

Also:

H. 971. Relating to Randolph County; providing further for an expense allowance for the county commission of said county.

Also:

H. 972. Relating to county health officers or administrators in Randolph County; authorizing such persons to issue official death certificates; and providing penalties for violation of this Act.

Also:

H. 979. To propose an amendment to the Constitution of Alabama of 1901 relating to Lauderdale County that would empower each local school tax district within the Lauderdale County school district in said county, when authorized at an election therein, to levy and collect a special district school tax not exceeding ten mills on the assessed valuation of the taxable property in such district for public school purposes in such district, and conferring upon the county board of education of said county the power under some circumstances and without an election to change the boundaries of any local school tax district in said county or consolidate any two or more local school tax districts therein.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 743 RESUMED

SUBSTITUTE ADOPTED

The question was then on the substitute offered by Rep. Bennett to the bill, and the substitute was adopted.

Yeas 18; Nays 2.

Yeas:

Reps.: Albright, Amari, Bennett, Biddle, Cabaniss, Cheatwood, Gafford, Hall, Howard, Jackson, Lewis, Moore, Nevett, Olive, Payne, Seibels, Trammell and Waggoner.

—18

Nays: Reps.: Harrison and Horn.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 743. Relating to Jefferson County; providing further for the expense allowance of certain election officers.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 16; Nays 2.

Yeas:

Reps.: Amari, Bennett, Biddle, Boles, Cabaniss, Cheatwood, Gafford, Howard, Lewis, Moore, Nevett, Olive, Payne, Seibels, Trammell and Waggoner.

—16

Nays: Reps.: Escott and Howard.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Waggoner to suspend the rules in order to take up out of order the bill, H.907, was lost, lacking a four-fifths vote.

Yeas 11; Nays 7.

Yeas:

Reps.: Bennett, Boles, Cabaniss, Cheatwood, Gafford, Howard, Lewis, Payne, Seibels, Trammell and Waggoner.

—11

Nays:

Reps.: Escott, Harrison, Horn, Jackson, Nevett, Olive and Tucker.

—7

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1008. To alter, re-arrange and extend the boundaries and corporate limits of the CITY OF MONTEVALLO, ALABAMA, So as to incorporate certain territory as describe herein.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 23; Nays 0.

Yeas:

Mr. Speaker, Barton, Bennett, Blake, Brakefield, Cabaniss, Carothers, Cobb, Cooley, Cosby, Crow, Gilmer, Goodwin, Lewis, Olive, Parker, Pegues, Roberts, Smith (C), Smith (J), Stout, Trammell and Willis.

—23

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 591. To provide that legislative personnel shall receive all salary increases provided for state employees listed in the classified and unclassified service of the State of Alabama.

Was read a third time at length and passed.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Amari, Barton, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Crow, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grimsley, Hall, Hammett, Holley, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Lewis, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Payne, Pegues, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Williams, Willis and Wyatt.

—68

And the bill:

H. 324. An Act to provide for the establishment of a Board of Commissioners for Alabama Universities; to describe the scope, authority, and duties of such Board of Commissioners; to provide for the composition of, eligibility for, and succession to the Board; to provide for the method of filling vacancies to the Board; to provide that funds shall be appropriated for the operation of the Board; to provide that the Board shall make reports to the Governor and the Legislature; to provide for rule making authority in the Board, procedures for requiring compliance with Board policies and rules, procedures for approval of new programs, withdrawal of approval for inefficient programs, approval of new institutions, and approval of fees and tuitions; to provide that the Board shall submit and recommend a unified budget; to proscribe new institutions or off-campus educational activities without approval of the Board; to provide for the method of appropriating funds for private institutions or students attending same; to authorize the Board to reallocate institutional budgets; to authorize the Board to consolidate or abolish institutions and to grant the Board authority to abolish or add degrees; to provide for the staff and the employment of other professional and clerical personnel and for their compensation.

Which was temporarily postponed as amended on the twenty-fourth legislative day, was taken up.

MOTION TO RECONSIDER

Having previously filed a Motion in Writing and voted on the prevailing side, Rep. Pegues offered the motion to reconsider the vote by which the amendment offered by Rep. Hammett to the bill, H. 324 as amended, was adopted.

MOTION TO TABLE LOST

The motion offered by Rep. Johnson (Roy) to table the motion to reconsider offered by Rep. Pegues, was lost.

Yeas 42; Nays 54.

Yeas:

Reps.: Adams (H), Boles, Bowling, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Cooley, Crow, Drinkard, Escott, Grimsley, Grouby, Hammett, Harper (O), Harrison, Holley, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Langford, Naramore, Nevett, Patton, Rains, Ray, Sasser, Shavers, Smith (C), Stout, Tucker, Turner, Turnham, Warren, Williams and Wyatt.

—42

Nays:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Biddle, Brakefield, Cabaniss, Campbell, Clark (G), Coburn, Cosby, Daniels, Dial, Dixon, Edwards, Gafford, Goodwin, Gregg, Harper (T), Johnson (R. G.), Kelley, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens, Parker, Payne, Pegues, Penry, Reed, Riddick, Roberts, Sandusky, Seibels, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Venable, Waggoner, Ward, Whatley, Willis and Zoghby.

—54

AMENDMENT RECONSIDERED

The question was then on the motion offered by Rep. Pegues to reconsider the vote by which the amendment offered by Rep. Hammett to the bill, H. 324 as amended, was adopted, and the motion to reconsider was adopted.

Yeas 52; Nays 42.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Biddle, Brakefield, Cabaniss, Campbell, Clark (G), Coburn, Cosby, Daniels, Dial, Dixon, Edwards, Gafford, Goodwin, Gregg, Harper (T), Johnson (R. G.), Kelley, Laird, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens, Parker, Payne, Pegues, Penry, Reed, Riddick, Roberts, Sandusky, Seibels, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Venable, Waggoner, Ward, Whatley, Willis and Zoghby.

—52

Nays:

Reps.: Boles, Bowling, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Cooley, Crow, Drinkard, Escott, Ford, Grimsley, Grouby, Hammett, Harper (O), Harrison, Holley, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Langford, Naramore, Nevett, Patton, Rains, Ray, Sasser, Shavers, Smith (C), Stout, Tucker, Turner, Turnham, Warren, Williams and Wyatt.

—42

AMENDMENT INDEFINITELY POSTPONED

On motion of Rep. Pegues, the amendment offered by Rep. Hammett to the bill, H. 324 as amended, on the twenty-fourth legislative day, was indefinitely postponed.

Yeas 49; Nays 41.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Biddle, Cabaniss, Campbell, Clark (G), Cosby, Daniels, Dial, Dixon, Edwards, Gafford, Gregg, Harper (T), Harvey, Johnson (R. G.), Kelley, Laird, Lewis, McKee, McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Payne, Pegues, Penry, Reed, Riddick, Roberts, Sandusky, Seibels, Shoemaker, Smith (M), Starkey, Stewart, Trammell, Venable, Waggoner, Ward, Whatley, Willis and Zoghby.

—49

Nays:

Reps.: Adams (H), Boles, Bowling, Buskey, Carter, Cates, Cheatwood, Clark (W), Cobb, Cooley, Crow, Drinkard, Escott, Ford, Grimsley, Grouby, Hammett, Harper (O), Holley, Holmes, Howard, Jackson, Johnson (Roy), Kennedy, Langford, Mitchell, Naramore, Nevett, Patton, Rains, Ray, Sasser, Shavers, Smith (C), Stout, Tucker, Turner, Turnham, Warren, Williams and Wyatt.

—41

AMENDMENT OFFERED

Rep. Pegues offered the following amendment to the bill, H. 324 as amended:

In Section 1, on page 2, lines 12 and 13, delete the words: vocational, technical

In Section 1, on page 2, line 14 add the following sentence to the existing language: For the purpose of this act, the term public institution of post-secondary education does not include the two-year vocational or technical institutions.

In Section 1, on page 2, line 22, add the following sentence to the existing language: For the purpose of this act, the term instructional programs does not include vocational or technical programs offered at vocational or technical institutions or community colleges.

In Section 10, on page 9, lines 18 and 19, delete the words a technical college or institute

In Section 10, on page 9, line 21 delete the words technical college

In Section 13, on page 11, line 35, between the words "community Colleges" and "junior colleges" insert the word and

In Section 13, on page 11, lines 35 and 36 delete the words: and post secondary technical institutes or colleges,

MOTION TO TABLE LOST

The motion offered by Rep. Naramore to table the amendment offered by Rep. Pegues to the bill, H. 324 as amended, was lost.

Yeas 39; Nays 57.

Yeas:

Reps.: Boles, Bowling, Buskey, Carter, Cates, Cheatwood, Clark (W), Cobb, Cooley, Dixon, Escott, Grimsley, Hammett, Harper (O), Harrison, Holley, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Langford, Mitchell, Naramore, Nevett, Patton, Rains, Ray, Reed, Shavers, Smith (C), Smith (M), Stout, Tucker, Turner, Turnham, Williams and Wyatt.

—39

Nays:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Biddle, Blake, Brakefield, Cabaniss, Campbell, Clark (G), Coburn, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grouby, Harper (T), Harvey, Johnson (R. G.), Kelley, Laird, Lewis, McKee, McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Payne, Pegues, Penry, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Trammell, Venable, Waggoner, Ward, Warren, Whatley, Willis and Zoghby.

—57

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 317. RELATIVE TO MEETING DAYS OF THE LEGISLATURE.

Also:

H. J. R. 318. MOURNING THE DEATH OF MR. JAMES R. RAIFORD, BUDGET OFFICER FOR THE STATE OF ALABAMA.

Also:

H. J. R. 319. NAMING S. B. 197 OF THE 1981 REGULAR SESSION, THE ALABAMA SURFACE MINING CONTROL AND RECLAMATION ACT, THE COOK-NARAMORE BILL.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 985. Relating to Phenix City; amending Section 3.11 of Act No. 71, H. 114, 1977 Regular Session (Acts 1977, p. 78), which provides for a council-manager form of government in certain municipalities based on a population classification, so as to provide for the filling of vacancies in the council of such municipality.

Also:

H. 986. Relating to the city of Phenix City; to further provide for the qualifications to engage in the bail bond business for the release of persons held by the city of Phenix City.

Also:

H. 987. Relating to Russell County; to provide that all monies hereafter accruing to Russell County which are dedicated to the construction, maintenance and repair of roads and bridges and traffic control shall be paid into the county road and bridge fund; to repeal Act No. 251, H. 701, Regular Session 1969 (Acts of 1969, p. 583), and Act No. 684, H. 1109, Regular Session 1971 (Acts of 1971, p. 1410), and any other laws which conflict herewith.

McDOWELL LEE,
Secretary.

H. 324 RESUMED
AMENDMENT ADOPTED

The question was then on the amendment offered by Rep. Pegues to the bill, H. 324 as amended, and the amendment was adopted.

Yeas 60; Nays 35.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Biddle, Blake, Brakefield, Cabaniss, Campbell, Clark (G), Coburn, Cosby, Crow, Daniels, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Gregg, Grouby, Harper (T), Harvey, Johnson (R. G.), Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens, Parker, Payne, Pegues, Penry, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Willis and Zoghby.

—60

Nays:

Reps.: Boles, Bowling, Buskey, Carter, Cates, Cheatwood, Clark (W), Cobb, Cooley, Dixon, Escott, Ford, Grimsley, Hammett, Harper (O), Harrison, Holley, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Langford, Naramore, Nevett, Patton, Ray, Shavers, Smith (C), Smith (M), Stout, Turnham, Williams and Wyatt.

—35

AMENDMENT OFFERED

Rep. Naramore offered the following amendment to the bill, H. 324 as amended:

Amend H. B. 324 as follows:

On page 2, line 30, delete all of subsection (a) and insert in lieu thereof the following:

(a) The Commission shall consist of fourteen members with two of such members being elected from each of the state's seven United States congressional districts at the next general election which immediately precedes the

expiration date for the terms of the current twelve members of the Commission. Such members shall take office upon expiration of the terms of such current members and shall serve for four year terms. Any vacancy shall be filled by appointment by the speaker of the house of representatives for the remainder of the unexpired term.

Also, on page 3, line 6, change the word "Appointees" to:

Members.

Also, on page 3, lines 26 through 30, delete all of subsection (a) and reletter all subsequent subsections accordingly.

AMENDMENT TABLED

On motion of Rep. Pegues, the amendment offered by Rep. Naramore to the bill, H. 324 as amended, was tabled.

Yeas 50; Nays 45.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Biddle, Cabaniss, Campbell, Clark (G), Coburn, Cosby, Daniels, Dial, Dixon, Edwards, Gafford, Goodwin, Harper (T), Harvey, Johnson (R. G.), Laird, Lewis, McKee, McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Payne, Pegues, Penry, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Trammell, Venable, Waggoner, Ward, Whatley, Willis and Zoghby.

—50

Yeas:

Reps.: Blake, Boles, Bowling, Buskey, Carter, Cates, Cheatwood, Clark (W), Cobb, Cooley, Crow, Drinkard, Escott, Ford, Gilmer, Grimsley, Grouby, Hammett, Harper (O), Harrison, Holley, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Langford, Letson, Mitchell, Naramore, Nevett, Patton, Rains, Ray, Smith (C), Smith (M), Stewart, Stout, Tucker, Turner, Turnham, Warren, Williams and Wyatt

—45

AMENDMENT OFFERED

Rep. Penry offered the following amendment to the bill, H. 324 as amended:

Amend the Substitute to H. B. 324 in Section 5, Page 5, line 39 by striking out the comma following the word "education" and inserting in lieu thereof a period.

Further amend the Substitute to H. B. 324 by striking out the remainder of Section 5 and inserting in lieu thereof:

A second such advisory committee shall be the Council of Junior College Presidents, consisting of the President of each public junior college. The president of each community college shall be a member of the Council of Junior College Presidents. The Commission shall meet at least once a year with each advisory council.

Further amend the Substitute to H. B. 324 on page 5, line 38 immediately before the word "Presidents" by inserting the word "University."

Further amend the Substitute to H. B. 324 on page 7, line 28 by striking out Subsection (e) of Section 8 in its entirety and inserting in lieu thereof the following:

(e) The Commission shall meet separately with each of the advisory councils specified in Section 5 of this act and the Commission shall jointly develop, with each respective advisory council, a general procedure including criteria for review which shall be applied in all cases of review for existing programs on or off-campus.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Harper (T), Harvey, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevelt, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt, Zoghby.

—85

AMENDMENT OFFERED

Rep. Cates offered the following amendment No. 1 to the bill, H. 324 as amended:

Amend H. B. 324, on page 1, in Synopsis, line 19 after the word "education" by adding the following: semicolon (;) and to provide for a Legislative Review Committee.

Further Amend H. B. 324, on page 2, line 5, after the word "education" by adding the following: semicolon (;) and to provide for a Legislative Review Committee.

Further Amend H. B. 324, on page 2, line 29, by adding the following:
(f) Legislative Review Committee: The Committee created by this Act.

Further Amend H. B. 324, on page 3, line 24 by adding the following:
(d) There is hereby created a Legislative Review Committee (hereinafter called the 'committee') which shall be composed of fourteen (14) members as follows: seven (7) House of Representative members, one (1) from each United States Congressional District, to be appointed by the Speaker of the House; and seven (7) Senate members, one (1) from each United States Congressional District to be appointed by the Lieutenant Governor. No action by the Commission shall be effective as to any institution, campus, or instructional program existing and functioning as of the effective date of this Act unless such action is approved by the committee. The committee shall serve as a liaison between the Commission and the Legislature. The committee shall select from among their members a Chairman and Vice Chairman. The committee shall meet at least twice a year, or more often upon call of the

Chairman or upon request of two-thirds of the full committee membership. Committee members shall receive the same compensation and allowance, when meeting, as is paid members of the legislature when in session.

AMENDMENT TABLED

On motion of Rep. Pegues, the amendment No. 1 offered by Rep. Cates to the bill, H. 324 as amended, was tabled.

Yeas 51; Nays 44.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Biddle, Brakefield, Cabaniss, Campbell, Clark (G), Coburn, Cosby, Daniels, Dial, Dixon, Edwards, Gafford, Goodwin, Gregg, Harper (T), Harvey, Johnson (R. G), Letson, McKee, McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Payne, Pegues, Penry, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Trammell, Venable, Waggoner, Ward, Whatley, Willis and Zoghby.

—51

Nays:

Reps.: Albright, Blake, Boles, Bowling, Buskey, Carter, Cates, Cheatwood, Clark (W), Cobb, Cooley, Crow, Drinkard, Escott, Ford, Gilmer, Grimsley, Grouby, Hammett, Harper (O), Holley, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Langford, Mitchell, Naramore, Nevett, Patton, Rains, Ray, Shavers, Smith (C), Smith (M), Stout, Tucker, Turner, Turnham, Warren, Williams and Wyatt.

—44

SUBSTITUTE OFFERED

Rep. Bowling offered the following substitute to the bill, H. 324 as amended:

A BILL TO BE ENTITLED AN ACT

To establish the Alabama Commission on Post-secondary Education for the general purpose of promoting an educational system that will provide the highest possible quality of postsecondary education to all persons in the state able and willing to profit from it; to establish the commission as the statewide long-range planning agency for postsecondary education; to provide through the commission for continuous study, analyses, evaluation, planning, reporting and recommendations, as a basis for long-range planning with established priorities on a statewide basis to assure a sound, vigorous, progressive and coordinated system of postsecondary education for the state; to provide the commission with the authority to review and approve all units or programs of instruction for academic credit; for advisory coordination of research and public service; the authority to regulate all off-campus offerings for academic credit; the authority to regulate units or programs of instruction by non-Alabama institutions; and to designate the commission as the state agency responsible for the administration of those titles of the Higher Education Acts of 1965 as amended for those programs requiring a single state

agency for which the commission qualifies and those functions under the southern regional education compact heretofore assigned to the state board of education.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions.

The following terms shall have the meanings respectively prescribed for them, except when the context otherwise requires:

(a) Public institutions of postsecondary education shall mean those public educational institutions in Alabama which have been authorized by the legislature or by the constitution to provide formal education, including vocational, technical, collegiate, professional, or any other form of public education, above the secondary school level.

(b) Commission: The Alabama Commission on Postsecondary Education created by this act.

(c) Instructional Program: A series of courses at any one location which culminates in a degree, certificate, or other formal recognition of academic credit.

(d) Unit: A school, college, division or institute and includes the establishment of any new branch or campus. The term does not include reasonable extension or alterations or existing curricula or programs which have a direct relationship to existing programs previously approved by the commission; the commission may, under its rule-making authority, define the character of such reasonable extension and alterations.

(e) Off-campus Offering: Any credit course, instructional unit or instructional program conducted off the main campus of any postsecondary institution in existence and separately accredited by the southern association of colleges and schools, at the time of the passage of this act, or any new campus previously or hereafter approved by the commission.

Section 2. Membership.

(a) The commission shall consist of seven members; one from each United States Congressional District in Alabama and shall reside or maintain an office or place of business within the congressional district from which he or she is elected.

(b) All members of the commission shall be deemed members at large charged with the responsibility of serving the best interest of the entire system of postsecondary education in the state. No member shall act as the representative of any particular region or of any particular institution of postsecondary education.

(c) The commission shall serve in an advisory capacity to the legislature and the Governor of this state in respect to all matters pertaining to state funds for the operation and the allocation of funds for capital improvements of state supported institutions of postsecondary education. The initial membership of the commission and the term of each initial member is as follows:

Section 3. Tenure-Vacancies.

(a) Members of the commission shall be elected for four-year terms expiring on August 31 of the respective year, except for the initial terms which shall be as follows: Two elected for a term of one year; two elected for a

term of two years; two elected for a term of three years; and one elected for a term of four years. The current members shall continue to serve until the expiration of their original respective terms.

(b) After the current term of office, seven members of the commission shall be elected; one from each congressional district.

(d) Any person who serves for five or more years as a member of the commission shall not be eligible to succeed himself or herself until the next vacancy occurs after his or her successor is elected.

(e) If any member of this commission fails to attend three consecutive meetings of the commission without reasonable excuse, said member's term will immediately expire and a replacement appointed. Such excused absences must be acceptable to the commission by a unanimous vote of the remaining commission members present at the meeting where such action is considered.

Section 4. Organization and Meetings

(a) The commission shall elect annually from its own members a chairman and such other officers as it may deem desirable and shall adopt rules for its organization in the conduct of its business.

(b) The commission shall hold regular meetings at such times as are specified in its rules. Special or additional meetings may be held on call of the chairman, or upon a call signed by at least four members, or upon call of the Governor. The commission is encouraged to meet as often as seems desirable on the campuses of institutions of postsecondary education in the state. The commission shall meet at least once every three months. A majority of the members of the commission shall constitute a quorum at all its meetings but the approval of a new unit or program of instruction or a new public institution of postsecondary education, or the recommendation for a new unit of research or public service as provided in Section 8 or the elimination of a unit or program of instruction on or off-campus shall require the concurrence of a majority of all the members of the commission. An agenda for the meetings in sufficient detail to indicate the terms on which final action is contemplated shall be mailed to the chairman of each governing board and to the chief administrative officer of each public four-year institution of higher education at least two weeks prior to the meeting. Any public four-year institution or the state board of education may place an item for discussion on the agenda of the next commission meeting by informing the executive officer of the commission, in writing, of such request at least three weeks prior to the meeting.

(c) Members of the commission shall serve without compensation but shall be reimbursed for actual expenses incurred in the performance of their duties in accordance with applicable state laws.

(d) The commission is authorized to appoint a highly qualified person as its executive officer who shall, with the consent and approval of the commission, select and supervise the commission's staff and perform such other duties as may be delegated to him by the commission, within the funds made available for the commission's operation.

(e) The executive officer shall, with the consent and approval of the commission, employ such professional and clerical staff and other assistants, including specialists and consultants, upon a full or part-time basis as are necessary to assist the commission and the executive officer in performing the duties assigned by the act. The number of employees, their compensation,

the other expenditures of the commission shall be within the limits and in compliance with the appropriation made therefor by the legislature and within budgets that shall be approved from time to time by the commission.

(f) The commission shall adopt procedures for an annual review and evaluation of its professional staff members.

(g) All full-time employees of the commission shall be eligible to participate in the state teachers' retirement system or any future retirement options as created by the legislature.

Section 5. Study, Analysis and Evaluation.

The commission, in consultation with the agencies and institutions concerned with postsecondary education in this state, shall analyze and evaluate on a continuing basis the present and future needs for instruction, research, and public service in postsecondary education in the state, including facilities, and assess the present and future capabilities. The use of advisory groups and consultants, as deemed desirable, may be used to meet these needs in order to provide the highest possible quality of collegiate and university education to all persons in the state able and willing to participate. The commission shall be composed of 14 members; seven elected from four-year institutions and seven elected from other postsecondary institutions with each elected from his respective category. From each category, two shall be elected for a term of one year; two elected for a term of two years; two elected for a term of three years; and one elected for a term of four years. After the initial election, the term of office shall be for four years.

Section 6. Planning.

The commission shall be responsible for statewide long-range planning for postsecondary education in Alabama. Such planning shall be the result of continuous study, analysis and evaluation. Plans will include the establishment of statewide objectives and priorities with methods and guidelines for achieving them.

Section 7. State University and College Information System.

The commission, after affording a full opportunity to the public institutions of postsecondary education to be heard, shall design and establish a state university and college information system to provide comprehensive, meaningful, and timely information pertinent to the formulation of decisions and recommendations by the commission. The information submitted by the public institutions of postsecondary education shall be in comparable terms and the reports developed through the system shall conform to the procedures established by the commission. The commission shall be the state coordinating agency for all data collection requirements of the federal government which require state level coordination and relate to postsecondary education. The commission will make every effort to minimize the reporting burden on the institutions by using the existing reports of the federal government. An annual report shall be made to the commission by the oversight committee to insure that the data collection, analysis, and evaluation of data done by the staff are accurate and meet high professional standards.

Section 8. Coordination of Units or Programs of Instruction, Research or Public Service.

(a) The commission on postsecondary education is authorized to review periodically and approve all new units of instruction, research, and public

service funded by state appropriations at the public postsecondary institutions and to share with the appropriate governing board, through the president of the institution, and state legislature, its recommendations.

(b) The commission shall seek through the use of advisory committees to study needless duplication of education, research or service programs and programs which are not adequately provided in the state, and shall make findings and recommendations to the institutions, the Governor and the legislature that would strengthen the total program of postsecondary education in the state.

(c) The governing boards of public institutions of postsecondary education in this state and the campuses under their governance or supervision shall not hereafter undertake the establishment of any new unit or program of instruction for academic credit with state funds before submitting plans for the new unit or program to the commission for its review, evaluation, and approval. No state funds shall be expended by any public institution on any new unit or program of instruction which has not been approved by the commission. Any such plan submitted to the commission, or its staff, however, and not receiving final action by the commission within ten (10) months of submission shall be considered approved.

(d) The commission shall have the authority to authorize and regulate off-campus offerings, and new programs.

(e) The commission and the council of presidents shall jointly develop a general procedure, including criteria for review, which shall be applied in all cases of review for new programs.

(f) Nothing in this or any section, however, shall be construed to prohibit any institution of postsecondary education in this state from seeking and securing by approval of the legislature other than by resolution for any new unit or program of instruction, research, or public service on or off-campus denied approval by the commission or reinstating any disapproved existing program on or off campus in which case the action of the legislature, when approved by the Governor or otherwise upon becoming law, is final.

(g) Colleges and universities conducting off-campus offerings on military reservations are exempt from the commission's regulatory review and approval authority for those offerings on the military reservation.

Section 9. Budget Proposals and Recommendation.

(a) The governing boards of the public institutions of postsecondary education shall submit to the commission through their appropriate administrative officers, not later than ninety (90) days prior to each legislative session, its budget proposals for the operation and capital needs of the institution under its governance or supervision.

(b) The commission shall receive, evaluate and coordinate budget requests for the public institutions of postsecondary education of this state, shall hold open hearings on the budget requests of the separate institutions and shall present to each institution and to the Governor and the legislature, a single unified budget report containing budget recommendations for separate appropriations to each of the institutions. The consolidated budget and analysis of the commission shall be accompanied by the original requests and the justifications as submitted by each institution. The recommendation of the commission shall be derived directly from its assessment of the actual funding needs of each of the universities, as presented to it by the presidents,

which assessment may include, but shall not be limited to, derived conclusions that may be based upon standard techniques of objective measurement, need and unit cost figures, arrived at through the use of comparative and verified data secured from the various institutions, applied in an impartial and objective manner, and comparison shall be made not only between similar functions of institutions in Alabama but also between Alabama institutions and similar functions of institutions located in other states. Nothing herein shall be construed to prohibit any institution of postsecondary education in this state from submitting any matter pertaining to the financial operation and needs of said institution to the legislature or to the Governor at any time.

(c) Nothing herein shall be construed to prohibit the commission from advising the Governor, upon request, how it would recommend the distribution of state funding totalling less than that required to fund the actual needs of the institutions as determined by the commission.

Section 10. Powers and Duties of the Commission.

The commission shall exercise the following powers and duties in addition to those otherwise specified in this act:

(a) To cause to be made such surveys and evaluations of postsecondary education as are believed necessary for the purpose of providing appropriate information to carry out its powers and duties.

(b) To recommend to the legislature of Alabama the enactment of such legislation as it deems necessary or desirable to insure the highest quality of postsecondary education in this state taking into consideration the orderly development and maintenance of the state system of public postsecondary education to meet trends in population and the change in social and technical requirements of the economy.

(c) To advise and counsel the Governor, at his request, regarding any area of, or matter pertaining to, postsecondary education.

(d) To establish definitions of a junior college, a community college, a technical college or institute, a senior college, a university and university system.

(e) To develop and publish criteria which may be used by the legislature as a basis (I) for changing the classification of any public institution of postsecondary education and (II) for determining the need for new public junior colleges, public senior colleges, universities or university systems. Any proposed statute which would establish an additional institution of postsecondary education may be submitted, either prior to introduction or afterward by the standing committee considering same to the commission for its opinion as to the need for the state thereof, and the commission shall report its findings to the Governor and the legislature.

(f) To hear applications from the institutions for changes in classification or role and scope and to recommend to the legislature for clarification such classifications in role or scope which may not be agreed to by the governing body of any institution.

(g) To making continuing studies, on its own initiative or upon the request of the Governor or the legislature, of the financial needs of public postsecondary education and issue such reports to the Governor and the legislature as may result from its studies.

(h) To submit to the Governor and the legislature on or before the first day in January of each year a written report covering the activities of the commission and the state of postsecondary education in Alabama.

The report shall include:

(I) Statements of the nature, progress or result of any studies undertaken or completed during the past fiscal year;

(II) Comments upon major developments, trends, new policies, budgets, and financial considerations which, in the judgement of the commission will be useful in planning a sound program of postsecondary education and

(III) Recommendations respecting postsecondary education in this state as may be appropriate.

(i) To make rules and regulations for its meetings, procedures and execution of the powers and duties delegated to it by this act.

(j) To encourage the establishment and development of formal consortia for the advancement of postsecondary education comprised of institutions of postsecondary education in the state.

(k) To conduct a program of public information in order to inform citizens of the state of matters of importance to postsecondary education in Alabama.

(l) To serve as the state agency for the administration to those titles of the Higher Education Act of 1965 (Public Law 89-329) as amended for those programs requiring a single state agency for which the commission qualifies, unless otherwise designated by executive order.

(m) To authorize and regulate instructional programs or units offered by non-Alabama institutions of postsecondary education in the State of Alabama. No institution of postsecondary education located outside of Alabama may offer units or programs of instruction within Alabama without prior approval of the commission. The commission under its rule-making authority shall establish criteria for the approval of such institutions and programs.

Section 11. Southern Regional Education Compact.

The commission is designated the agency responsible for those functions under the Southern Regional Compact for Education (Act 227, H. J. R. 42, 1949, Act 40, H. J. R. 21, 1955) and those functions in Sections 16-3-32 through 16-3-35, Code of Alabama 1975 heretofore assigned to the state board of education with funds that may be appropriated to it by the legislature for that purpose.

Section 12. Evaluating and Revising the Commission.

During the last year of each gubernatorial term, the commission shall appoint a committee of at least three consultants selected by the council of presidents who are not associated with postsecondary education in this state to evaluate the effectiveness of the work of the commission and its staff and to recommend changes as needed. A report prepared by the committee shall be submitted to the Governor, the legislature, the presidents and governing boards of the public institutions of postsecondary education of this state and the public.

Section 13. Governing Boards of Public Institutions of Higher Education—Powers and Duties.

Governing boards of the public institutions of postsecondary education of this state shall retain all powers and duties heretofore given and conferred upon them by the constitution or by any law expressed or implied, to govern, control and operate the institutions for which they are responsible. The commission shall work with and support the respective boards and except where otherwise authorized by this statute, shall act in a factfinding and advisory capacity.

The state board of education and any successor board or boards which govern the state's public postsecondary institutions, including senior institutions, community colleges, junior colleges, and postsecondary technical institutes or colleges, shall stand in the same relationship to the commission as do university boards of trustees. The state superintendent of education shall stand in the same relationship to the commission as do the presidents of the universities.

Section 14. Acceptance of Gifts, etc.

The commission is authorized to accept gifts, devises, grants, or bequests and expend the same to carry out the provisions of this act or to promote the purposes for which it has been established.

Section 15. Severability.

The provisions of the act are severable. If any section, paragraph, sentence, clause, provisions, or portion of this act, be held unconstitutional or invalid, such holdings shall not affect any other section, paragraph, sentence, clause, provision or other portion of this act not in or of itself unconstitutional or invalid.

Section 16. All laws or parts of laws which conflict with this act are hereby repealed.

Section 17. Effective date.

This act shall become effective immediately upon its passage and approval by the Governor, our upon its otherwise becoming a law.

SUBSTITUTE TABLED

On motion of Rep. Pegues, the substitute offered by Rep. Bowling to the bill, H. 324 as amended, was tabled.

Yeas 52; Nays 42.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Biddle, Brakefield, Cabaniss, Campbell, Clark (G), Coburn, Cosby, Daniels, Dial, Dixon, Edwards, Gafford, Goodwin, Harper (T), Harvey, Johnson (R. G.), Kelley, Laird, McKee, McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Payne, Pegues, Penry, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Trammell, Venable, Waggoner, Ward, Whatley, Willis and Zoghby.

—52

Nays:

Reps.: Blake, Boles, Bowling, Buskey, Carter, Cates, Cheatwood, Clark (W), Cobb, Cooley, Crow, Escott, Ford, Grimsley, Grouby, Hammett, Harper (O),

Harrison, Holley, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Langford, Letson, Mitchell, Naramore, Nevett, Patton, Rains, Ray, Shavers, Smith (C), Smith (M), Stout, Tucker, Turner, Warren, Williams and Wyatt.

—42

AMENDMENT OFFERED

Rep. Stout offered the following amendment No. 1 to the bill, H. 324 as amended:

Amend H. B. 324 as substituted, on page 2A, Section 1, line 12 by adding after the word "Legislature" the following: which receive any appropriation by the legislature,

And further amend H. B. 324 as substituted, on page 2A, Section 1, line 14, by adding after the words "secondary school level," the following: including private institutions which receive appropriations from the legislature.

AMENDMENT TABLED

On motion of Rep. Pegues, the amendment No. 1 offered by Rep. Cates to the bill, H. 324, was tabled.

Yeas 53; Nays 41.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Biddle, Brakefield, Cabaniss, Campbell, Cates, Clark (G), Cosby, Daniels, Dial, Edwards, Gafford, Goodwin, Gregg, Harper (T), Johnson (R. G.), Kelley, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Payne, Pegues, Penry, Reed, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Trammell, Waggoner, Ward, Warren, Whatley, Willis and Zoghby.

—53

Nays:

Reps.: Albright, Blake, Boles, Bowling, Buskey, Carter, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Crow, Drinkard, Escott, Ford, Gilmer, Grimsley, Grouby, Harper (O), Harrison, Holley, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Langford, Mitchell, Nevett, Patton, Rains, Riddick, Shavers, Smith (M), Stout, Tucker, Turner, Turnham, Williams and Wyatt.

—41

AMENDMENT OFFERED

Rep. Willis offered the following amendment to the bill, H. 324, as amended:

On page 2, on line 38, strike the words "The remaining members shall be" and strike lines 39 and 40 in their entirety and insert in lieu thereof:

The remaining members appointed by the Governor and those appointed by the other appointing authorities shall be appointed so that each U.S. Congressional District shall have a total of two representatives on the commission, unless otherwise provided in this act.

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On page 3, on lines 37 and 38, delete the words "at least one member and no more than three." and insert in lieu thereof:

two members.

On page 3, on line 39, after the word "is" insert:

at least

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 51; Nays 25.

Yeas:

Reps.: Adams (H), Albright, Bedsole, Blake, Boles, Bowling, Carter, Cates, Cheatwood, Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Edwards, Escott, Gilmer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Holley, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kelley, Langford, Letson, Mitchell, Naramore, Nevett, Penry, Rains, Ray, Sandusky, Smith (C), Smith (M), Stout, Tucker, Turner, Turnham, Warren, Williams, Willis, Wyatt and Zoghby.

—51

Nays:

Reps.: Adams (C), Biddle, Brakefield, Cabaniss, Campbell, Drinkard, Ford, Gafford, Johnson (R. G.), McKee, McMillan, Minus, Moore, Olive, Pegues, Reed, Riddick, Roberts, Sasser, Seibels, Starkey, Stewart, Trammell, Ward and Whatley.

—25

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested.

S. 591. To provide that legislative personnel shall receive all salary increases provided for state employees listed in the classified and unclassified service of the State of Alabama.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing Message from the Senate.

H. 324 RESUMED

AMENDMENT OFFERED

Rep. Cates offered the following amendment No. 2 to the bill, H. 324 as amended:

Amend House Bill 324, as substituted, on page 7 by striking line 36 in its entirety and inserting in lieu thereof the following:

"securing approval of the Legislature other than by resolution for any new unit or program of"

AMENDMENT TABLED

On motion of Rep. Pegues, the amendment No. 2 offered by Rep. Cates to the bill, H. 324 as amended, was tabled.

Yeas 56; Nays 41.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Biddle, Brakefield, Cabaniss, Campbell, Clark (G), Coburn, Cosby, Daniels, Dial, Dixon, Gafford, Gilmer, Goodwin, Gregg, Harper (T), Harvey, Johnson (R. G.), Kelley, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Payne, Pegues, Penry, Reed, Riddick, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Trammell, Venable, Waggoner, Ward, Whatley, Willis, Wyatt and Zoghby.

—56

Nays:

Reps.: Albright, Blake, Boles, Bowling, Buskey, Carter, Cates, Cheatwood, Clark (W), Cobb, Cooley, Crow, Drinkard, Escott, Ford, Grimsley, Grouby, Hammett, Harper (O), Harrison, Holley, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Langford, Mitchell, Naramore, Nevett, Patton, Rains, Ray, Smith (M), Stout, Tucker, Turner, Turnham, Warren and Williams.

—41

AMENDMENT OFFERED

Rep. Cates offered the following amendment No. 3 to the bill, H. 324 as amended:

Amend House Bill 324, as substituted, on page 7 by striking on line 21 the word "currently".

AMENDMENT TABLED

On motion of Rep. Pegues, the amendment No. 3 offered by Rep. Cates to the bill, H. 324 as amended, was tabled.

Yeas 51; Nays 34.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Biddle, Brakefield, Cabaniss, Campbell, Clark (G), Clark (W), Daniels, Dial, Dixon, Gafford, Goodwin, Gregg, Harper (T), Harvey, Johnson (R. G.), Laird, Letson, Lewis, McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Payne, Penry, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Trammell, Turnham, Venable, Waggoner, Ward, Whatley, Willis and Zoghby.

—51

Nays:

Reps.: Albright, Blake, Boles, Bowling, Buskey, Carter, Cates, Cheatwood, Cobb, Cooley, Grimsley, Grouby, Hammett, Harper (O), Harrison, Holley, Holmes, Howard, Jackson, Johnson (Roy), Kelley, Kennedy, Langford, Mitchell, Naramore, Nevett, Patton, Rains, Stout, Tucker, Turner, Warren, Williams and Wyatt.

—34

AMENDMENT OFFERED

Rep. Stout offered the following amendment No. 2 to the bill, H. 324 as amended.

Amend H. B. 324 as substituted on page 7, Section 9, line 15 by striking after the words "shall be considered" the following: "approved"

and inserting in lieu thereof, the following: "disapproved"

AMENDMENT TABLED

On motion of Rep. Pegues, the amendment No. 2 offered by Rep. Stout to the bill, H. 324 as amended, was tabled.

Yeas 46; Nays 30.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Biddle, Brakefield, Cabaniss, Campbell, Clark (G), Cosby, Daniels, Dixon, Edwards, Gafford, Goodwin, Harper (T), Harvey, Johnson (R. G.), Kelley, Laird, Lewis, McKee, McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Payne, Pegues, Penry, Reed, Riddick, Sandusky, Seibels, Shoemaker, Smith (J), Starkey, Trammell, Waggoner, Ward, Whatley, Willis and Zoghby.

—46

Nays:

Reps.: Albright, Blake, Boles, Bowling, Buskey, Carter, Cheatwood, Clark (W), Cobb, Crow, Grimsley, Harper (O), Harrison, Holmes, Howard, Jackson, Johnson (Roy), Kennedy, Mitchell, Naramore, Nevett, Patton, Rains, Roberts, Shavers, Smith (M), Stout, Tucker, Turner and Williams.

—30

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House.

H. 586. To provide that the conservation advisory board shall have the power to promulgate rules and regulations having the force and effect of law to regulate, including the authority to prohibit the use of airboats on any of the public waters of this state that are affected by the tide; and to provide for penalties for violations.

McDOWELL LEE,
Secretary.

H. 324 RESUMED
AMENDMENT OFFERED

Rep. Kennedy offered the following amendment to the bill, H. 324 as amended:

Amend the Substitute to H. B. 324, Section 10, page 9, line 37 by deleting the after the word "institution." the following:

In making studies and recommendations for the purpose of classifying and prescribing the role and scope of institutions, the Commission shall do so without regard for race and traditional role of the institution. When making recommendations for the termination of duplication or educationally unnecessary programs, absent justifiable reasons to the contrary, the Commission shall recommend the replacement of such programs and/or services with programs and/or services that will strengthen and enhance the role of the institution affected.

And add in lieu thereof the following language:

In classifying and prescribing the role and scope of institutions, the Commission shall do so without regard for race and traditional role of the institution, provided, however, that in the absence of compelling reasons to the contrary the Commission shall give priority to institutions have seniority in years of operation in the service area. When eliminating unnecessary duplication of educational programs, absent justifiable reasons to the contrary, the Commission shall approve the replacement of such programs and/or services with other programs and/or services that will strengthen and enhance the role of the institution affected, have significant enrollment potential and be fiscally and educationally practical.

AMENDMENT TABLED

On motion of Rep. Pegues, the amendment offered by Rep. Kennedy to the bill, H. 324 as amended, was tabled.

Yeas 51; Nays 35.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Biddle, Brakefield, Cabaniss, Campbell, Clark (G), Cosby, Daniels, Dial, Dixon, Gafford, Goodwin, Gregg, Johnson (R. G.), Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Payne, Pegues, Penry, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Venable, Waggoner, Ward, Whatley, Willis and Zoghby.

—51

Nays:

Reps.: Blake, Boles, Bowling, Buskey, Carter, Cates, Cheatwood, Clark (W), Cobb, Escott, Grouby, Hammett, Harper (O), Harrison, Holley, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Langford, Mitchell, Naramore, Nevett, Patton, Rains, Ray, Reed, Tucker, Turner, Turnham, Warren, Williams and Wyatt.

—35

AMENDMENT OFFERED

Rep. Hammett offered the following amendment No. 2 to the bill, H. 324 as amended:

On page 12, line 19, insert the following new Section 2 and renumber remaining sections accordingly:

Section 2. The commission hereby created shall be subject to periodic review by the State Sunset Committee with the first such review to be held in 1982 and subsequent reviews to be held each four (4) years thereafter.

AMENDMENT TABLED

On motion of Rep. Pegues, the amendment No. 2 offered by Rep. Hammett to the bill, H. 324 as amended, was tabled.

Yeas 46; Nays 39.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Biddle, Brakefield, Cabaniss, Campbell, Clark (G), Cosby, Daniels, Dial, Edwards, Gafford, Goodwin, Gregg, Harper (T), Harvey, Johnson (R. G.), Laird, Lewis, McKee, McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Payne, Pegues, Penry, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Stewart, Trammell, Waggoner, Ward, Willis and Zoghby.

—46

Nays:

Reps.: Blake, Boles, Bowling, Buskey, Carter, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Crow, Drinkard, Escott, Ford, Grimsley, Grouby, Hammett, Harper (O), Harrison, Holmes, Howard, Jackson, Johnson (Roy), Kennedy, Langford, Mitchell, Naramore, Nevett, Patton, Rains, Smith (C), Smith (M), Stout, Tucker, Turner, Warren, Whatley, Williams and Wyatt.

—39

AMENDMENT OFFERED

Rep. Gilmer offered the following amendment to the bill, H. 324 as amended.

Amend Substitute H. B. 324, page 6, Section 8(a), line 34 after the word "institution." by adding the following: The Commission will not close a presently established Postsecondary Education institution without the approval of the State Board of Education.

AMENDMENT TABLED

On motion of Rep. Pegues, the amendment offered by Rep. Gilmer to the bill, H. 324 as amended, was tabled.

Yeas 51; Nays 34.

Yeas:

Reps.: Adams (C), Amari, Barton, Biddle, Brakefield, Cabaniss, Campbell, Clark (G), Coburn, Cosby, Daniels, Dial, Dixon, Edwards, Gafford, Goodwin, Gregg, Harper (T), Harvey, Johnson (R. G.), Laird, Lewis, McKee, McMillan,

Manley, Minus, Moore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Trammell, Venable, Waggoner, Ward, Whatley, Willis and Wyatt.

—51

Nays:

Reps.: Adams (H), Blake, Bowling, Buskey, Carter, Cates, Cheatwood, Clark (W), Cobb, Cooley, Crow, Drinkard, Escott, Ford, Gilmer, Grimsley, Grouby, Harper (O), Harrison, Holmes, Howard, Jackson, Johnson (Roy), Kennedy, Langford, Mitchell, Naramore, Nevett, Rains, Ray, Smith (C), Tucker, Warren and Williams.

—34

AMENDMENT OFFERED

Rep. Langford offered the following amendment to the bill, H. 324 as amended:

Amend the Substitute to H. B. 324, Section 8, page 7, line 34 by adding after Section (f) the following language:

Colleges and universities conducting off-campus offerings prior to 1960 are exempt from the Commission's regulatory review and approval authority.

AMENDMENT TABLED

On motion of Rep. Pegues, the amendment offered by Rep. Langford to the bill, H. 324 as amended, was tabled.

Yeas 47; Nays 38.

Yeas:

Mr. Speaker, Amari, Barton, Biddle, Brakefield, Cabaniss, Campbell, Clark (G), Coburn, Cosby, Daniels, Dial, Edwards, Gafford, Goodwin, Gregg, Harper (T), Harvey, Johnson (R. G.), Laird, Lewis, McKee, McMillan, Manley, Moore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Trammell, Turnham, Venable, Waggoner, Ward, Whatley and Willis.

—47

Nays:

Reps.: Blake, Bowling, Buskey, Carter, Cates, Cheatwood, Clark (W), Cobb, Cooley, Crow, Dixon, Drinkard, Escott, Ford, Gilmer, Grimsley, Grouby, Hammett, Harper (O), Harrison, Holmes, Howard, Jackson, Johnson (Roy), Kennedy, Langford, Mitchell, Naramore, Nevett, Rains, Ray, Shavers, Stout, Tucker, Turner, Warren, Williams and Wyatt.

—38

AMENDMENT OFFERED

Rep. Holmes offered the following amendment to the bill, H. 324 as amended:

Amend the Substitute for H. B. 324 in Section 2, page 3, line 18 after the word "education." by deleting the following:

New appointments to the Commission shall be made so that the total membership of the Commission is broadly representative of the total population of the State of Alabama.

And adding in lieu thereof the following:

Appointment to the Commission shall be made so that the total membership shall approximate the racial composition of the population of the state.

MOTION TO TABLE LOST

The motion offered by Rep. Pegues to table amendment offered by Rep. Holmes to the bill, H. 324 as amended, was lost.

Yeas 40; Nays 43.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Biddle, Brakefield, Cabaniss, Campbell, Cark (G), Cosby, Dial, Gafford, Harper (T), Harvey, Johnson (R. G.), Laird, Letson, Lewis, Manley, Minus, Moore, Olive, Owens, Parker, Payne, Pegues, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Starkey, Stewart, Trammell, Waggoner, Ward, Whatley, Willis and Zoghby.

—40

Nays:

Reps.: Blake, Boles, Bowling, Buskey, Carter, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Crow, Daniels, Dixon, Drinkard, Escott, Ford, Grimsley, Hammett, Harper (O), Harrison, Holley, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Langford, McMillan, Mitchell, Naramore, Nevett, Patton, Penry, Rains, Ray, Riddick, Shavers, Stout, Tucker, Turner, Williams and Wyatt.

—43

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Rep. Holmes to the bill, H. 324 as amended, and the amendment was adopted.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—90

MOTION TO POSTPONE TABLED

On motion of Rep. Pegues, the motion offered by Rep. Holley to postpone further consideration of the bill, H. 324 as amended, to the twenty-seventh legislative day, was tabled.

Yeas 52; Nays 44.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Biddle, Brakefield, Cabaniss, Campbell, Clark (G), Coburn, Cosby, Daniels, Dial, Dixon, Edwards, Gafford, Goodwin, Gregg, Harper (T), Harvey, Johnson (R. G.), Kelley, Laird, Lewis, McKee, McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Payne, Pegues, Penry, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Trammell, Venable, Ward, Whatley, Willis and Zoghby.

—52

Nays:

Reps.: Albright, Bennett, Boles, Bowling, Buskey, Carter, Cates, Cheatwood, Clark (W), Cobb, Cooley, Crow, Drinkard, Escott, Ford, Gilmer, Grimsley, Grouby, Hammett, Harper (O), Harrison, Holley, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Langford, Mitchell, Naramore, Nevett, Patton, Rains, Ray, Shavers, Smith (C), Stout, Tucker, Turner, Turnham, Warren, Williams and Wyatt.

—44

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 677. Relating to Mobile County; providing for the registration, licensing and regulation of buyers of gold and silver.

Also:

H. 679. Relating to Mobile County; to provide further for the compensation of election employees and officers.

Also:

H. 825. Relating to Mobile County; to authorize and empower the county commission to establish a solid waste management program in the unincorporated areas of Mobile County.

Also:

H. 988. Relating to Russell County; to provide for an additional expense allowance for the members of the county board of registrars.

Also:

H. 989. To amend and re-enact Act No. 403, H. 107, Regular Session 1975 (Acts of 1975, p. 1002), entitled, "An Act To provide for an increase in the compensation of the bailiffs of the circuit court of the 26th judicial circuit," so as to provide that the compensation provided in said Act shall be designated as an expense allowance.

Also:

H. 990. Relating to Russell County; to provide an expense allowance for the county coroner; to repeal Act No. 306, H. 745, Regular Session 1971 (Acts 1971, p. 607) and Act No. 460, H. 1119, Regular Session 1975 (Acts 1975, p. 1087) and other conflicting acts.

Also:

H. 991. Relating to Russell County; to authorize the county commission to hire a county license inspector; to prescribe the duties and compensation of such inspector and to repeal specifically Act No. 79-595 of the 1979 Regular Session of the Legislature and all other laws in conflict with this act.

Also:

H. 992. Relating to Russell County; to amend Section 4 of Act No. 408, S. 689, Regular Session 1978 (Acts of 1978, p. 393), which relates to the method of compensating certain county officers in Russell County, and providing for a clerk hire allowance for each such office, so as to provide further for the hiring of clerks in said office.

Also:

H. 993. To authorize the Russell County commission to levy a privilege or license tax on persons, corporations, co-partnerships, companies, agencies and associations selling, distributing, or delivering any malt or brewed beverages to retailers in Russell County except within the city limits of Phenix City and Hartsboro and two cents in the Phenix City and Hartsboro police jurisdictions; to authorize the county commission to collect the tax and to effect distribution thereof to Russell County to be used for the county school system and the county general fund; to authorize the county commission to make rules and regulations to govern enforcement and collection of the tax; to provide for the use of the proceeds derived from the tax; and to repeal Act No. 80-487, H. 933, 1980 Regular Session (Acts 1980, p. 757), relating to a levy of a privilege or license tax for the sale of malt or brewed beverages to certain retailers in Russell County.

Also:

H. 683. To provide a supplement to the salaries of circuit court bailiffs in the Thirteenth Judicial Circuit.

Also:

H. 690. To amend Section 1 of Act 80/342 of the 1980 Regular Session and to correctly designate a street name.

Also:

H. 905. Relating to Mobile County; to prohibit the possession of certain firearms on parts of the Escatawpa River.

Also:

H. 935. To amend Title 16, Section 39, Subsection 7 of the Code of Alabama, 1975, so as to require that twenty (20) percent of the teacher units now allocated for the instruction of Exceptional Children in Mobile County be reallocated for the gifted child.

Also:

H. 902. To authorize a procedure whereby the Sheriff of Madison County, Alabama is authorized to offer for public auction to the highest bidder for cash abandoned and stolen personal property which has been recovered by the Sheriff's Department of Madison County and stored by said Department but which has been unclaimed after six (6) months; to provide that such auctions are to be made after notice of the time and place thereof shall have been given publication once a week for two weeks in a newspaper of general circulation published in Madison County, Alabama or by posting in a conspicuous place at the Madison County Courthouse; to provide that the first publication or posting of said notice shall be twenty days before the said auction; to provide a procedure for the conduct of said auction; to provide that the owner of any of the abandoned or stolen property recovered and stored by the Sheriff of Madison County, Alabama may redeem the same at anytime prior to its sale by paying any reasonable storage or maintenance costs incurred and a pro rata cost of publication and further providing that after deducting and paying all expenses incurred in storing or auctioning the said property, all proceeds from the sale of said property shall be paid into the general fund of Madison County, Alabama.

Also:

H. 958. Relating to Madison County, Alabama; providing further for the compensation of the members of the Madison County Board of Education.

Also:

H. 839. To establish the Mobile County Litter Control Act of 1981; to provide purpose and intent; to provide for definitions, penalties, enforcement and collection of fines. To provide for an effective date, severability and the repeal of conflicting acts.

McDOWELL LEE,
Secretary.

H. 324 RESUMED

And the bill:

H. 324. To repeal Sections 16-5-1 through 16-5-14, Code of Alabama 1975, as amended in 1979, and to propose to establish the Alabama Commission on Postsecondary Education and to re-enact Sections 16-5-1 through 16-5-14, Code of Alabama 1975, as amended in 1979, so as to change the name of the present Alabama Commission on Higher Education, to expand the membership of the Commission, to establish the Commission as the statewide long-range planning agency for postsecondary education, and to provide the Commission with the authority to review and approve all units or programs of instruction for academic credit; to provide the Commission authority for advisory coordination of research and public service; the authority for regulation of all off-campus offerings for academic credit and units or programs of instruction by non-Alabama institutions; and to designate the Commission as the state agency responsible for the administration of those titles of the Higher Education Acts of 1965 as amended for those programs requiring a single state agency and those functions under the Southern Regional Education Compact heretofore assigned to the State Board of Education.

As thus amended, was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 44.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Biddle, Blake, Brakefield, Cabaniss, Campbell, Clark (G), Coburn, Cosby, Daniels, Dial, Dixon, Edwards, Gafford, Goodwin, Gregg, Harper (T), Harvey, Johnson (R. G.), Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Payne, Pegues, Penry, Reed, Riddick, Roberts, Sandusky, Seibels, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Trammell, Turnham, Venable, Waggoner, Ward, Whatley, Willis and Zoghby.

—56

Nays:

Reps.: Albright, Bennett, Boles, Bowling, Buskey, Carter, Cates, Cheatwood, Clark (W), Cobb, Cooley, Crow, Drinkard, Escott, Ford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harrison, Holley, Horn, Howard, Jackson, Johnson (Roy), Kelley, Kennedy, Langford, Mitchell, Naramore, Nevett, Rains, Ray, Sasser, Shavers, Smith (C), Stout, Tucker, Turner, Warren, Williams and Wyatt.

—44

CO-SPONSOR ADDED

Rep. Reed was added as co-sponsor to the bill, H. 324.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Cooley:

H. R. 331. COMMENDING MR. JOHN P. RUSSELL, JR.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Hall to suspend the rules in order to take up out of order the bill, H. 655, was lost, lacking a four-fifths vote.

Yeas 3; Nays 2.

Yeas: Reps. Albright, Gregg and Hall.

—3

Nays: Reps. Riddick and Smith (J).

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 640. To amend Section 16-13-71 of the Code of Alabama 1975, so as to provide that (a) warrants issued pursuant to Article 4 of Chapter 13 of Title 16 may bear rate or rates of interest not exceeding twelve percent per annum, (b) no warrants may be sold pursuant to such Article at a price which would

yeild more than twelve percent, and (c) warrants payable out of the proceeds of any privilege, license or excise tax or taxes may have a maturity or maturities not exceeding 40 years from their date.

Was taken up.

AMENDMENT OFFERED

Rep. Lewis offered the following amendment to the bill, H. 640:

Amend H. 640 as follows:

On page 1, lines 12 and 13, delete the language "40 years from their date rather than the 30 year limitation now in effect."

and insert in lieu thereof the following language:

30 years from their date.

On page 2, line 13, delete the figures "40" and insert in lieu thereof the figures:

30

AMENDMENT TABLED

On motion of Rep. Sasser, the amendment offered by Rep. Lewis to the bill, H. 640 as amended, was tabled.

Yeas 30; Nays 11.

Yeas:

Reps.: Albright, Barton, Bedsole, Brakefield, Carothers, Cates, Cosby, Edwards, Grimsley, Grouby, Hall, Harper (T), Laird, Letson, McKee, Mitchell, Owens, Parker, Ray, Roberts, Sandusky, Sasser, Seibels, Smith (J), Turner, Venable, Ward, Warren, Whatley and Williams.

—30

Nays:

Reps.: Cheatwood, Gilmer, Horn, Howard, Jackson, Lewis, Payne, Penry, Rains, Trammell and Tucker.

—11

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 640, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yeas:

Reps.: Albright, Barton, Bedsole, Blake, Brakefield, Cabaniss, Campbell, Cates, Cooley, Cosby, Daniels, Dixon, Drinkard, Ford, Grimsley, Grouby,

Hall, Harper (O), Harper (T), Kennedy, Langford, Letson, Lewis, McKee, Mitchell, Owens, Parker, Payne, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley and Williams.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 823. (With Substitute): To make further conditional appropriations of General Fund monies for the fiscal year ending September 30, 1981.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an absolute appropriation of \$45,000,000 to the Board of Corrections for the fiscal year ending September 30, 1981.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore or hereafter made from the State General Fund there is hereby appropriated from said fund for the fiscal year ending September 30, 1981, the following:

For transfer to the State Board of Corrections-For Capital Outlay Purposes...\$45,000,000.00.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 39; Nays 1.

Yeas:

Mr. Speaker, Bedsole, Bennett, Blake, Cabaniss, Campbell, Carter, Cates, Clark (G), Coburn, Cooley, Cosby, Crow, Dial, Edwards, Gilmer, Goodwin, Hammett, Harper (O), Harper (T), Letson, McKee, Manley, Minus, Mitchell, Olive, Owens, Payne, Pegues, Rains, Reed, Riddick, Roberts, Sasser, Smith (J), Turner, Venable, Warren and Williams.

—39

Nay: Rep. Howard.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 359. To provide for and regulate the sale, use, distribution and manufacture of certain fireworks; to provide for permits to be issued by the state fire marshal; to specifically prohibit certain fireworks and to define certain terms relating to fireworks and explosives; to prescribe penalties for violation of this Act; and to repeal Sections 13A-11-100 through 13A-11-105, Code of Alabama 1975, relating to fireworks.

Also:

H. 547. To amend Section 25-4-75, Code of Alabama 1975, as last amended, to comply with the requirement of federal law as contained in Public Law 96-499 relating to benefits under the extended benefit program so as to provide for a limit to the first 2 weeks of benefits paid on an interstate claim filed in an agent state where no extended benefit period is in effect; to provide restrictions on eligibility for such benefits to individuals who fail to accept any offer of suitable work and to define "suitable work", actively engage in systematic and sustained effort to find work and to furnish tangible evidence of such efforts; to provide penalties for violations thereof; and to meet the requirements that these provisions become effective for weeks of unemployment commencing after March 31, 1981.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolutions, to-wit:

H. 985. Relating to Phenix City; amending Section 3.11 of Act No. 71, H. 114, 1977 Regular Session (Acts 1977, p. 78), which provides for a council-manager form of government in certain municipalities based on a population classification, so as to provide for the filling of vacancies in the council of such municipality.

Also:

H. 986. Relating to the city of Phenix City; to further provide for the qualifications to engage in the bail bond business for the release of persons held by the city of Phenix City.

Also:

H. 987. Relating to Russell County; to provide that all monies hereafter accruing to Russell County which are dedicated to the construction, maintenance and repair of roads and bridges and traffic control shall be paid into the county road and bridge fund; to repeal Act No. 251, H. 701, Regular Session 1969 (Acts of 1969, p. 583), and Act No. 684, H. 1109, Regular Session 1971 (Aacts of 1971, p. 1410), and any other laws which conflict herewith.

Also:

H. J. R. 317. Relative to legislative meeting dates from Thursday, April 30 through Thursday, May 7.

Also:

H. J. R. 318. MOURNING THE DEATH OF MR. JAMES R. RAIFORD, BUDGET OFFICER FOR THE STATE OF ALABAMA.

Also:

H. J. R. 319. NAMING S. B. 197 OF THE 1981 REGULAR SESSION, THE ALABAMA SURFACE MINING CONTROL AND RECLAMATION ACT, THE COOK-NARAMORE BILL.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, and House Joint Resolutions, the titles of which are set out in the above and foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 586. To provide that the conservation advisory board shall have the power to promulgate rules and regulations having the force and effect of law to regulate, including the authority to prohibit, the use of airboats on any of the public waters of this state that are affected by the tide; and to provide for penalties for violations.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

H. 823 RESUMED

MOTION TO POSTPONE TABLED

On motion of Rep. Owens, the motion offered by Rep. Barton to postpone further consideration of the bill, H. 823 as amended, to the twenty-seventh legislative day, was tabled.

Yeas 55; Nays 24.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Cates, Coburn, Cooley, Crow, Dial, Gafford, Goodwin, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harvey, Jackson, Kelley, Laird, Lewis, McKee, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Payne, Ray, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Tucker, Turner, Venable, Ward, Whatley and Willis.

—55

Nays:

Reps.: Barton, Boles, Cheatwood, Cobb, Cosby, Daniels, Grouby, Harrison, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Langford, McMillan, Nevett, Penry, Rains, Seibels, Trammell, Warren, Williams and Wyatt.

—24

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 461. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 845. Applicable to the City of Russellville, Franklin County, Alabama, to provide an expense allowance to the Mayor and to each member of the city governing body of said city.

Also:

H. 860. Relating to Colbert County; providing that it shall be unlawful for anyone to willfully throw or cast headlights or any rays of artificial light from any motor vehicle in any field, woodland or forest in an attempt to locate deer or any other wildlife with the exception of farmers who may do so while checking livestock on owned, leased or rented land; and providing for penalties.

Also:

H. 885. To amend Section 1 of Act No. 2376, H. 228, 1971 Regular Session (Acts 1971, p. 3805), relating to pistol permit fees in Marion County so as to provide further for the amount and disposition of such fees.

Also:

H. 883. Relating to Marion County; to authorize the County Board of Education to meet the last week in June and to set the salary of the Superintendent of Education.

Also:

H. 899. Relating to Chilton County; to provide for and require the reidentification of registered voters; to provide a penalty for wilfully making a false statement in connection with reidentification; and to repeal Act No. 126, Special Session 1962, and all other laws or parts of laws in conflict herewith.

Also:

H. 920. Amending Section 6 of Act No. 573, S. 391, 1976 Regular Session (Acts 1976, p. 780), relating to the revenue commissioner of Cullman County, so as to provide further for the compensation and the retirement of such official.

Also:

H. 921. Relating to Cullman County; to provide for an additional expense allowance for election officials of said county.

Also:

H. 922. Relating to Cullman County; to approve and validate the amount of certain expenditures paid to the circuit clerk.

Also:

H. 933. Relating to Shelby County; to levy and collect special county privilege license and excise taxes paralleling the state sales and use taxes provided for in Chapter 23 of Title 40, Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the state revenue department; providing for the distribution and use of the proceeds including the pledging of such proceeds to the payment of obligations; and providing penalties for violations of this act.

Also:

H. 943. Relating to Calhoun County; amending Act No. 963, S. 1177, 1975 Regular Session (Acts 1975, p. 1996), which provides for a civil service system for the City of Oxford, so as to increase the compensation of the board members of said system.

Also:

H. 973. Relating to Chambers County; to provide for a certain additional tax upon the sale, use or consumption of malt or brewed beverages and to provide for disposition of the proceeds of such additional tax.

Also:

H. 974. Relating to Chambers County; to provide further for the mileage allowance of the county coroner, and to provide for retroactive effect.

Also:

H. 980. Relating to St. Clair County; to amend sections 1 and 2 of Act No. 79-607, H. 938, Regular Session 1979 (Acts 1979, p. 1075) relating to the taxation of certain alcoholic beverages in the county, so as to increase said tax and to discontinue the use of tax stamps.

Also:

H. 995. Proposing an amendment to the Constitution of Alabama of 1901 authorizing Chilton County to levy and collect a special property tax on property outside the corporate limits of any incorporated municipality in such county, the proceeds of which shall be used to provide fire, medical and emergency services to unincorporated areas of the county; providing for its operation if approved by a majority of the qualified electors of the county.

Also:

H. 1018. Relating to the Town of Cedar Bluff, in Cherokee County; authorizing the Town of Cedar Bluff as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable services to the residents of the town and to residents of the municipal corporations and surrounding territory; prescribing its power in connection therewith; authorizing and regulating the issuance and security of bonds and other evidence of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidence of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 596. To provide a procedure in all Class 5 municipalities for filling vacancies, unless otherwise provided by local law, occurring in the governing bodies of such municipalities; to provide for special elections in certain circumstances; and to provide that this procedure shall apply to any vacancies existing as of the effective date of this Act.

McDOWELL LEE,
Secretary.

H. 823 RESUMED
AMENDMENT OFFERED

Rep. Boles offered the following amendment to the bill, H. 823 as amended:

Amend H. B. 823 as substituted on line 2 page 1 by striking \$45,000,000 and inserting in lieu thereof \$18,000,000.

And line 26 by striking the figure \$45,000,000 and inserting lieu thereof 18,000,000.

AMENDMENT TABLED

On motion of Rep. Owens, the amendment offered by Rep. Boles to the bill, H. 823 as amended, was tabled.

Yeas 50; Nays 15.

Yeas:

Mr. Speaker, Adams (C), Amari, Bedsole, Bennett, Blake, Cabaniss, Campbell, Carothers, Coburn, Cooley, Cosby, Crow, Dial, Edwards, Ford, Gilmer, Goodwin, Grimsley, Hammett, Harper (O), Harper (T), Harvey, Johnson (R. G.), Johnson (Roy), Kelley, Laird, McKee, McMillan, Minus, Mitchell, Owens, Patton, Penry, Ray, Reed, Riddick, Roberts, Sasser, Shavers, Shoemaker, Starkey, Stewart, Stout, Turner, Venable, Ward, Whatley, Williams and Willis.

—50

Nays:

Reps. Boles, Brakefield, Buskey, Cheatwood, Dixon, Escott, Harrison, Holley, Howard, Langford, Naramore, Nevett, Rains, Trammell and Wyatt.

—15

SUBSTITUTE OFFERED

Rep. Dixon offered the following substitute to the bill, H. 823 as amended:

A BILL
TO BE ENTITLED
AN ACT

To make an absolute appropriation of \$45,000,000 to the Board of Corrections.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore or hereafter made from the State General Fund there is hereby appropriated from said fund,

For transfer to the State Board of
Corrections—For Capital Outlay Purposes \$45,000,000.00

Section 2. The Board of Corrections may direct the State Comptroller to issue warrants to be drawn from the Board of Corrections fund within the State Treasury upon presentation of due and payable estimates of capital

outlay project costs. The funds appropriated to the Board of Corrections Outlay Fund by this bill which have not been authorized for payment by the State Comptroller or which have not been obligated under contract by the Board of Corrections as of October 1, 1982 shall revert to the State General Fund on said date.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TABLED

On motion of Rep. Cates, the substitute offered by Rep. Dixon to the bill, H. 823 as amended, was tabled.

Yeas 41; Nays 34.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Bedsole, Bennett, Biddle, Blake, Boles, Campbell, Cates, Clark (W), Cooley, Drinkard, Ford, Gilmer, Grimsley, Harper (O), Harper (T), Harvey, Howard, Kennedy, Laird, McKee, Minus, Moore, Naramore, Owens, Patton, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Stout, Trammell, Turner, Ward, Warren, Whatley and Willis.

—41

Nays:

Reps.: Albright, Barton, Bowling, Brakefield, Cabaniss, Cheatwood, Cobb, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Escott, Goodwin, Hall, Hammett, Harrison, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Langford, McMillan, Nevett, Olive, Parker, Penry, Rains, Shoemaker, Stewart, Williams and Wyatt.

—34

AMENDMENT OFFERED

Rep. Venable offered the following amendment to the bill, H. 823 as amended:

Amend Substitute H. B. 823, page 1 by adding a new Section 2 and renumbering the remaining sections accordingly.

Section 2. It is the intent of the legislature that funds herein appropriated shall not permanently reduce the principal received by the state from oil and gas leases sold in 1981. If the funds are used on a temporary basis to construct needed facilities for the Department of Mental Health and Department of Corrections, then interest shall be allowed to accrue until the original principal has been restored.

MOTION TO TABLE LOST

The motion offered by Rep. Owens to table the amendment offered by Rep. Venable to the bill, H. 823 as amended, was lost.

Yeas 25; Nays 59.

Yeas:

Mr. Speaker, Adams (H), Amari, Bedsole, Bennett, Blake, Cabaniss, Campbell, Coburn, Cooley, Harper (T), Harvey, Letson, Naramore, Olive, Owens, Patton, Reed, Riddick, Roberts, Sasser, Shavers, Stout, Turner and Waggoner.

—25

Nays:

Reps.: Adams (C), Albright, Barton, Boles, Bowling, Brakefield, Buskey, Cates, Cheatwood, Clark (W), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gilmer, Goodwin, Grimsley, Hall, Hammett, Harper (O), Harrison, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, McKee, McMillan, Minus, Mitchell, Moore, Nevett, Parker, Penry, Rains, Ray, Seibels, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Trammell, Tucker, Turnham, Venable, Warren, Williams and Wyatt.

—59

AMENDMENT ADOPTED

The question was then on the amendment offered by Rep. Venable to the bill, H. 823 as amended, and the amendment was adopted.

Yeas 70; Nays 7.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Barton, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cates, Clark (W), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gilmer, Goodwin, Grimsley, Hall, Hammett, Harper (O), Harrison, Harvey, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, McKee, McMillan, Minus, Mitchell, Nevett, Olive, Owens, Parker, Payne, Penry, Rains, Ray, Reed, Riddick, Sasser, Seibels, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turnham, Venable, Warren, Williams, and Wyatt.

—70

Nays:

Reps.: Bedsole, Cooley, Harper (T), Letson, Naramore, Patton and Turner.

—7

And the bill:

H. 823. To make an absolute appropriation of \$45,000,000 to the Board of Corrections for the fiscal year ending September 30, 1981.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 4.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Sandusky, Sasser, Shavers, Shoemaker, Smith (C),

Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—89

Nays: Reps.: Boles, Cheatwood, Howard and Jackson.

—4

CO-SPONSOR ADDED

Rep. Smith (J) was added as co-sponsor to the bill, H. 823.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 287. CREATING THE LEGISLATIVE JOINT INTERIM STUDY COMMITTEE ON PRISON WORK-RELEASE PROGRAMS.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 218. To amend several sections of present law relating to public health. The sections amended include 22-11-1, 22-11-2, 22-11-3, 22-11-4, 22-11-5, 22-11-6, 22-11-7, 22-11-8, 22-11-12, 22-11-13, 22-11-14, 22-11-15, 22-11-16, 22-12-3, 22-12-4, 22-20-2. Code of Alabama, 1975, relating to notifiable diseases, and repeals Section 22-13-12, Code of Alabama, 1975, relating to cancer treatment reports.

Also:

H. 632. To make appropriations for the support and maintenance of the Marion Military Institute.

Also:

H. 633. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

Also:

H. 634. To make appropriations for the support and maintenance of the Talladega College.

Also:

H. 776. To make appropriations for the support and maintenance of the Tuskegee Institute.

Also:

H. 635. To make appropriations for the support and maintenance of the Walker County Junior College.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 677. Relating to Mobile County; providing for the registration, licensing and regulation of buyers of gold and silver.

Also:

H. 679. Relating to Mobile County; to provide further for the compensation of election employees and officers.

Also:

H. 683. To provide a supplement to the salaries of circuit court bailiffs in the Thirteenth Judicial Circuit.

Also:

H. 690. To amend Section 1 of Act 80/342 of the 1980 Regular Session and to correctly designate a street name.

Also:

H. 825. Relating to Mobile County; to authorize and empower the county commission to establish a solid waste management program in the unincorporated areas of Mobile County.

Also:

H. 839. To establish the Mobile County Litter Control Act of 1981; to provide purpose and intent; to provide for definitions, penalties, enforcement and collection of fines. To provide for an effective date, severability and to repeal of conflicting acts.

Also:

H. 902. To authorize a procedure whereby the Sheriff of Madison County, Alabama is authorized to offer for public auction to the highest bidder for cash abandoned and stolen personal property which has been recovered by the Sheriff's Department of Madison County and stored by said Department but which has been unclaimed after six (6) months; to provide that such auctions are to be made after notice of the time and place thereof shall have been given publication once a week for two weeks in a newspaper of general circulation published in Madison County, Alabama or by posting in a conspicuous place at the Madison County Courthouse; to provide that the first publication or posting of said notice shall be twenty days before the said auction; to provide a procedure for the conduct of said auction; to provide that the owner of any of the abandoned or stolen property recovered and stored by the Sheriff of Madison County, Alabama may redeem the same at anytime prior to its sale by paying any reasonable storage or maintenance costs incurred and a pro rata cost of publication and further providing that after deducting and paying all expenses incurred in storing or auctioning the said property, all proceeds from the sale of said property shall be paid into the general fund of Madison County, Alabama.

Also:

H. 905. Relating to Mobile County; to prohibit the possession of certain firearms on parts of the Escatawpa River.

Also:

H. 935. To amend Title 16, Section 39, Subsection 7 of the Code of Alabama, 1975, so as to require that twenty (20) percent of the teacher units now allocated for the instruction of Exceptional Children in Mobile County be reallocated for the gifted child.

Also:

H. 958. Relating to Madison County, Alabama; providing further for the compensation of the members of the Madison County Board of Education.

Also:

H. 988. Relating to Russell County; to provide for an additional expense allowance for the members of the county board of registrars.

Also:

H. 989. To amend and re-enact Act No. 403, H. 107, Regular Session 1975 (Acts of 1975, p. 1002), entitled, "An Act To provide for an increase in the compensation of the bailiffs of the circuit court of the 26th judicial circuit," so as to provide that the compensation provided in said Act shall be designated as an expense allowance.

Also:

H. 990. Relating to Russell County; to provide an expense allowance for the county coroner; to repeal Act No. 306, H. 745, Regular Session 1971 (Acts 1971, p. 607) and Act No. 460, H. 1119, Regular Session 1975 (Acts 1975, p. 1087) and other conflicting acts.

Also:

H. 991. Relating to Russell County; to authorize the county commission to hire a county license inspector; to prescribe the duties and compensation of such inspector and to repeal specifically Act No. 79-595 of the 1979 Regular Session of the Legislature and all other laws in conflict with this act.

Also:

H. 992. Relating to Russell County; to amend Section 4 of Act No. 408, S. 689, Regular Session 1978 (Acts of 1978, p. 393), which relates to the method of compensating certain county officers in Russell County, and providing for a clerk hire allowance for each such office, so as to provide further for the hiring of clerks in said office.

Also:

H. 993. To authorize the Russell County commission to levy a privilege or license tax on persons, corporations, co-partnerships, companies, agencies and associations selling, distributing, or delivering any malt or brewed beverages to retailers in Russell County except within the city limits of Phenix City and Hurtsboro and two cents in the Phenix City and Hurtsboro police jurisdictions; to authorize the county commission to collect the tax and to effect distribution thereof to Russell County to be used for the county school system and the county general fund; to authorize the county commission to make rules and regulations to govern enforcement and collection of the tax; to provide for the use of the proceeds derived from the tax; and to repeal Act No. 80-487, H. 933, 1980 Regular Session (Acts 1980, p. 757), relating to a levy of a privilege or license tax for the sale of malt or brewed beverages to certain retailers in Russell County.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 596. To provide a procedure in all Class 5 municipalities for filling vacancies, unless otherwise provided by local law, occurring in the governing bodies of such municipalities; to provide for special elections in certain circumstances; and to provide that this procedure shall apply to any vacancies existing as of the effective date of this Act.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 845. Applicable to the City of Russellville, Franklin County, Alabama, to provide an expense allowance to the Mayor and to each member of the city governing body of said city.

Also:

H. 860. Relating to Colbert County; providing that it shall be unlawful for anyone to willfully throw or cast headlights or any rays of artificial light from any motor vehicle in any field, woodland or forest in an attempt to locate deer or any other wildlife with the exception of farmers who may do so while checking livestock on owned, leased or rented land; and providing for penalties.

Also:

H. 883. Relating to Marion County; to authorize the County Board of Education to meet the last week in June and to set the salary of the Superintendent of Education.

Also:

H. 885. To amend Section 1 of Act No. 2376, H. 228, 1971 Regular Session (Acts 1971, p. 3805), relating to pistol permit fees in Marion County so as to provide further for the amount and disposition of such fees.

Also:

H. 899. Relating to Chilton County; to provide for and require the reidentification of registered voters; to provide a penalty for wilfully making a false statement in connection with reidentification; and to repeal Act No. 126, Special Session 1962, and all other laws or parts of laws in conflict herewith.

Also:

H. 920. Amending Section 6 of Act No. 573, S. 391, 1976 Regular Session (Acts 1976, p. 780), relating to the revenue commissioner of Cullman County, so as to provide further for the compensation and the retirement of such official.

Also:

H. 921. Relating to Cullman County; to provide for an additional expense allowance for election officials of said county.

Also:

H. 922. Relating to Cullman County; to approve and validate the amount of certain expenditures paid to the circuit clerk.

Also:

H. 933. Relating to Shelby County; to levy and collect special county privilege license and excise taxes paralleling the state sales and use taxes provided for in Chapter 23 of Title 40, Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the state revenue department; providing for the distribution and use of the proceeds including the pledging of such proceeds to the payment of obligations; and providing penalties for violations of this act.

Also:

H. 943. Relating to Calhoun County; amending Act No. 963, S. 1177, 1975 Regular Session (Acts 1975, p. 1996), which provides for a civil service system for the City of Oxford, so as to increase the compensation of the board members and of said system.

Also:

H. 973. Relating to Chambers County; to provide for a certain additional tax upon the sale, use or consumption of malt or brewed beverages and to provide for disposition of the proceeds of such additional tax.

Also:

H. 974. Relating to Chambers County; to provide further for the mileage allowance of the county coroner, and to provide for retroactive effect.

Also:

H. 980. Relating to St. Clair County; to amend sections 1 and 2 of Act No. 79-607, H. 938, Regular Session 1979 (Acts 1979, p. 1075) relating to the taxation of certain alcoholic beverages in the county, so as to increase said tax and to discontinue the use of tax stamps.

Also:

H. 1018. Relating to the Town of Cedar Bluff, in Cherokee County; authorizing the Town of Cedar Bluff as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable services to the residents of the town and to residents of the municipal corporations and surrounding territory; prescribing its power in connection therewith; authorizing and regulating the issuance and security of bonds and other evidence of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidence of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

Also:

H. 995. Proposing an amendment to the Constitution of Alabama of 1901 authorizing Chilton County to levy and collect a special property tax on property outside the corporate limits of any incorporated municipality in such county, the proceeds of which shall be used to provide fire, medical and emergency services to unincorporated areas of the county; providing for its operation if approved by a majority of the qualified electors of the county.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

H. 859. (With Substitute): To make further conditional appropriations of General Fund monies for the fiscal year ending September 30, 1981.

Was taken up.

SUBSTITUTE OFFERED

Rep. Owens offered the following substitute to the pending substitute reported by the Standing Committee on Ways and Means, Rep. Owens' substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To establish a fund to be known as the Mental Health-Capital Outlay Fund, to appropriate \$65,000,000 from the State General Fund to the Mental Health-Capital Outlay Fund, and to specify how these funds are to be expended.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby established a separate fund to be known as the Mental Health-Capital Outlay Fund. Appropriations made to this fund shall be used by the Department of Mental Health for capital outlay purposes only.

Section 2. In addition to all other appropriations heretofore or hereafter made from the State General Fund there is hereby appropriated \$65,000,000 to the Mental Health-Capital Outlay Fund.

Section 3. All appropriations to the Mental Health-Capital Outlay Fund shall be used for capital outlay purposes only. Monies in the aforementioned fund shall be invested by the State Treasurer and all interest earned on such investments shall be deposited into the State General Fund.

Section 4. The Commissioner of Mental Health may direct the State Comptroller to issue warrants to be drawn from the Mental Health-Capital Outlay fund within the State Treasury upon presentation of due and payable estimates of capital outlay project costs. The funds appropriated to the Mental Health-Capital Outlay Fund by this bill which have not been authorized for payment by the State Comptroller or which have not been obligated under contract by the Department of Mental Health as of October 1, 1982 shall revert to the State General Fund on said date.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO ADOPT COMMITTEE SUBSTITUTE

Rep. Cates offered the motion that the House adopt the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an absolute appropriation of \$45,000,000 to the Department of Mental Health for the fiscal year ending September 30, 1981.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore or hereafter made from the State General Fund there is hereby absolutely appropriated from said fund for the fiscal year ending September 30, 1981, the following:

For transfer to the State Mental
Health Department—For Cap-
ital Outlay Purposes\$45,000,000

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE MOTION TO TABLE LOST

The substitute motion offered by Rep. Owens to table the motion offered by Rep. Cates that the House adopt the substitute reported by the Standing Committee on Ways and Means to the bill, H. 859, was lost.

Yeas 17; Nays 57.

Yeas:

Reps.: Barton, Buskey, Cabaniss, Campbell, Clark (W), Grimsley, Holmes, Kelley, Kennedy, Letson, McMillan, Owens, Patton, Riddick, Smith (J), Turner and Zoghby.

—17

Nays:

Mr. Speaker, Adams (C), Bedsole, Bennett, Boles, Bowling, Brakefield, Carter, Cates, Cheatwood, Cobb, Cooley, Cosby, Crow, Daniels, Drinkard, Edwards, Escott, Gilmer, Grouby, Hammett, Harper (T), Harrison, Holley, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Langford, McKee, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Shoemaker, Smith (M), Stewart, Stout, Trammell, Turnham, Venable, Warren, Willis and Wyatt.

—57

SUBSTITUTE ADOPTED

The question was then on the adoption of the motion offered by Rep. Cates that the House adopt the substitute reported by the Standing Committee on Ways and Means, and the substitute was adopted.

Yeas 79; Nays 7.

Yeas:

Mr. Speaker, Adams (C), Amari, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Campbell, Carter, Cates, Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Laird, Langford, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Tucker, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Willis and Wyatt.

—79

Nays:

Reps.: Barton, Cabaniss, Johnson (Roy), Kelley, Letson, Mitchell and Turner.

—7

AMENDMENT OFFERED

Rep. Venable offered the following amendment to the bill, H. 859 as amended:

Amend Substitute H. B. 859, page 1 by adding a new Section 2 and renumbering the remaining sections accordingly.

Section 2. It is the intent of the legislature that funds herein appropriated shall not permanently reduce the principal received by the state from oil and gas leases sold in 1981. If the funds are used on a temporary basis to construct needed facilities for the Department of Mental Health and Department of Corrections, then interest shall be allowed to accrue until the original principal has been restored.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 80; Nays 3.

Yeas:

Reps.: Adams (C), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams and Wyatt.

—80

Nays: Reps.: Brakefield, Letson and Naramore.

—3

And the bill:

H. 859. To make an absolute appropriation of \$45,000,000 to the Department of Mental Health for the fiscal year ending September 30, 1981.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Seante without engrossment.

Yeas 84; Nays 6.

Yeas:

Reps.: Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Willis and Wyatt.

—84

Nays: Reps.: Albright, Boles, Cheatwood, Dial, Hall and Williams.

—6

CO-SPONSORS ADDED

Reps. Turner and Holmes were added as co-sponsors to the bill, H. 859.

REPORT OF THE STANDING COMMITTEE ON RULES ON
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolution, to-wit:

H. 218. To amend several sections of present law relating to public health. The sections amended include 22-11-1, 22-11-2, 22-11-3, 22-11-4, 22-11-5, 22-11-6, 22-11-7, 22-11-8, 22-11-12, 22-11-13, 22-11-14, 22-11-15, 22-11-16, 22-12-3, 22-12-4, 22-20-2, Code of Alabama, 1975, relating to notifiable diseases, and repeals Section 22-13,12, Code of Alabama, 1975, relating to cancer treatment reports.

Also:

H. 632. To make appropriations for the support and maintenance of the Marion Military Institute.

Also:

H. 633. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

Also:

H. 634. To make appropriations for the support and maintenance of the Talladega College.

Also:

H. 635. To make appropriations for the support and maintenance of the Walker County Junior College.

Also:

H. 776. To make appropriations for the support and maintenance of the Tuskegee Institute.

Also:

H. J. R. 287. CREATING THE LEGISLATIVE JOINT INTERIM STUDY COMMITTEE ON PRISON WORK-RELEASE PROGRAMS.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and House Joint Resolution, the titles of which are set out in the above and foregoing Report of the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were introduced:

By Rep. McKee:

H. J. R. 332. COMMENDING ALABAMA CHRISTIAN COLLEGE AND COACH JON HAZELIP FOR THEIR THIRD PLACE FINISH IN THE NATIONAL LITTLE COLLEGE BASKETBALL TOURNAMENT.

WHEREAS, Coach Jon Hazelip's Alabama Christian College "Eagles" had an outstanding basketball season, earning the right for their first ever participation in the Little College Basketball Tournament held in Oakland City, Indiana by winning two crucial post-season games on their home court, beating Phillips College of Gulfport, Mississippi and Brewer State College; and

WHEREAS, Coach Hazelip was named Coach of the Year for the Deep South District of the National Little College Athletic Association (NLCAA) in recognition for his efforts in developing the "Eagles" into a national contender; and

WHEREAS, The "Eagles" went on to place third in the tough competition of the National Tournament; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we sincerely commend the Alabama Christian College "Eagles" and their Coach, Jon Hazelip, on their impressive accomplishments.

RESOLVED FURTHER, That a copy of this resolution be sent to each member of the Eagles and to Coach Hazelip.

On motion of Rep. McKee, the rules were suspended and the resolution, H. J. R. 332, was adopted.

Also:

By Reps. Smith (C), Venable and Albright:

H. J. R. 333. COMMENDING J. F. INGRAM STATE TECHNICAL INSTITUTE IN DEATSVILLE, ALABAMA, AND DR. MURRY C. GREGG FOR THEIR EFFORTS IN REHABILITATING PRISONERS.

WHEREAS, the United States Office of Education, Bureau of Occupational and Adult Education, Division of Research and Demonstration, awarded a contract to System Sciences, Inc., and Conserva, Inc., to make an assessment of quality vocational education in State prisons in the United States; and

WHEREAS, J. F. Ingram State Technical Institute, Deatsville, was judged to be successful by the Contractor as measured by low recidivism rates, high post-release employment levels, and program performance evaluation data and was selected as one of the ten best programs in the United States; and

WHEREAS, Dr. Murry C. Gregg, President of J. F. Ingram State Technical Institute, was cited for his outstanding leadership because of the openness of the staff and faculty to the students, the innovative ways of using existing resources, and his aggressiveness in searching out new funds for program advancement; and

WHEREAS, the staff of J. F. Ingram State Technical Institute has been praised for its competence and capability and for their professional growth; and

WHEREAS, J. F. Ingram State Technical Institute has excellent relationships with the people in the Department of Corrections; and

WHEREAS, J. F. Ingram State Technical Institute has been cited because of its instructional program, which is modularized, competency based, and individualized; and

WHEREAS, J. F. Ingram State Technical Institute subjects itself to close evaluative examination, both internally and externally; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Dr. Murry C. Gregg and his entire faculty and staff for an outstanding job and for bringing this national recognition to the State of Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Dr. Murry C. Gregg and J. F. Ingram State Technical Institute as an expression of our appreciation and praise.

On motion of Rep. Smith (C), the rules were suspended and the resolution, H. J. R. 333, was adopted.

Also:

By Reps. Kennedy, Sandusky, Clark (W), Harper (T), Parker, Stewart, McMillan, Turner, Buskey, Zoghby and Bedsole:

H. J. R. 334. HONORING DR. SANFORD DIXON BISHOP UPON HIS RETIREMENT AS PRESIDENT OF S. D. BISHOP STATE JUNIOR COLLEGE IN MOBILE, ALABAMA.

WHEREAS, it is with regret but in utmost praise that the Alabama Legislature notes the impending retirement on June 30, 1981, of Dr. Sanford Dixon Bishop as President of the institution which, in grateful recognition of his service, has borne his name since 1971; and

WHEREAS, Dr. Bishop has been President of S. D. Bishop State Junior College since the school's inception as the Mobile State Junior College in 1965; his association, however, began long prior to that date, in 1938, when the school was the Mobile Branch of Alabama State College and Dr. Bishop served as teacher and Director; and

WHEREAS, thus for more than four decades, Dr. Bishop has served a prestigious tenure for which he is eminently qualified, both through education and his innate ability for administrative excellence; and

WHEREAS, he is a graduate of the Okitbbaha County Training School in his native Starkville, Mississippi, a graduate of Jackson College Academy, Morehouse College with a B.A. degree and Atlanta University with a Master's degree; he has studied additionally at New York University and holds honorary Doctorates bestowed by Selma University, Virginia College and Morehouse College, as well; and

WHEREAS, Dr. Bishop holds membership and has served in leadership capacity in numerous educational, civic, fraternal and charitable organizations; he has further shared his talents and ability as advisor, involved member and chairman of a number of associations, committees and boards, on both local and state as well as national levels; and

WHEREAS, through the years, Dr. Bishop has been the recipient of a multitude of honors which include citations and awards by Kappa Alpha Psi, Alabama State University, Alabama Conference on Black Mayors and Lewis University, among countless others; he also appears in Who's Who in Black America, Outstanding American Educators and who's who in the South and Southwest; and

WHEREAS, Dr. Bishop's retirement will mark the end of an era of growth and progress for his beloved college, but he has laid a firm foundation to be built upon by those who follow and the sadness of leave-taking should be lessened by the knowledge of his accomplishments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Dr. Sanford Dixon Bishop and express our deep and sincere gratitude to a man of outstanding achievement and educator renown.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Dr. Bishop upon his retirement to share with his wife who is former Head Librarian of S. D. Bishop College and with their son, Sanford D. Bishop, Jr., an attorney in Columbus, Georgia, and also a member of the Georgia House of Representatives.

On motion of Rep. Kennedy, the rules were suspended and the resolution, H. J. R. 334, was adopted.

Also:

By Rep. Grouby:

H. J. R. 335. CREATING AN INTERIM COMMITTEE TO STUDY NUCLEAR PELLET PLANTS AND TO MAKE RECOMMENDATIONS REGARDING A REGULATORY AGENCY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created an interim legislative committee composed of six members, three from the house and three from the senate, appointed by the respective presiding officers, to study nuclear pellet plants and to make recommendations regarding a regulatory agency therefor. Such study shall include the manufacture, production, utilization, storage, waste, precautions necessary, potential and actual dangers associated with such plants, and any and all facets related to nuclear pellet plants, community and state impact, as determined by the committee.

The chairman of the committee may set the place of meeting anywhere within or without the state of Alabama that he deems necessary to aid in the work of the committee.

The committee shall report its findings, comments, suggestions, and recommendations to the legislature on the fifth legislative day of the 1982 Regular Session, on which date the interim committee hereby established shall automatically be terminated.

Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee within the state and actual and necessary expenses without the state plus regular legislative compensation and per diem, which shall be paid out of any funds appropriated to the use of the Legislature, on

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warrants drawn on the state comptroller upon requisition signed by the committee's chairman. The total of said appropriation shall not exceed \$8,000.00.

The resolution, H. J. R. 335, was read and referred to the Standing Committee on Rules:

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Secretary of State at 12:07 P.M. on April 30, 1981.

H. 979 (Constitutional Amendment)

Delivered to the Governor at 12:15 P.M. on April 30, 1981.

H. 14

H. 337

H. 627

H. 628

H. 629

H. 711

H. 857

H. 906

H. 957

H. 970

H. 971

H. 972

Delivered to the Governor at 2:30 P.M. on April 30, 1981.

H. 359

H. 547

H. 985

H. 986

H. 987

H. J. R. 317

H. J. R. 318

H. J. R. 319

H. 586

Delivered to the Governor at 4:05 P.M. on April 30, 1981.

H. 677

H. 679

H. 683

H. 690

H. 825

H. 839

H. 902

H. 905

H. 935

H. 958

H. 988

H. 989

H. 990

H. 991

H. 992

H. 993

H. 596

H. 845

H. 860

H. 883

H. 885

H. 899

H. 920

H. 921

H. 922

H. 933

H. 943

H. 973

H. 974

H. 980

H. 1018

H. 218

H. 632

H. 633

H. 634

H. 635

H. 776

H. J. R 287

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Delivered to the Secretary of State at 4:07 P.M. on April 30, 1981.

H. 995 (Constitutional Amendment)

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Daniels and pursuant to the resolution, H. R. 316, heretofore adopted, the House adjourned until 1:00 o'clock p.m., Tuesday, May 5, 1981.

Yeas 45; Nays 40.

Yeas:

Mr. Speaker, Albright, Barton, Bennett, Blake, Boles, Brakefield, Buskey, Carter, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Crow, Drinkard, Edwards, Escott, Ford, Goodwin, Greer, Gregg, Grimsley, Hall, Hammett, Harper (O), Harrison, Horn, Howard, Kennedy, Minus, Nevett, Olive, Parker, Rains, Sasser, Seibels, Smith (C), Starkey, Stout, Trammell, Tucker, Turner, Turnham and Williams.

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Nays:

Reps.: Adams (C), Adams (H), Bedsole, Cabaniss, Carothers, Cates, Cosby, Daniels, Dial, Gafford, Harper (T), Holley, Jackson, Johnson (R. G.), Kelley, Laird, Langford, Letson, Lewis, McKee, McMillan, Mitchell, Moore, Naramore, Owens, Payne, Penry, Ray, Reed, Roberts, Sandusky, Shoemaker, Smith (J), Smith (M), Stewart, Venable, Ward, Warren, Whatley and Wyatt.

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TWENTY-SEVENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, May 5, 1981

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. Allen K. Jackson, President, Huntingdon College, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb,

Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-sixth legislative day and finds the same to be correct.

JACK BIDDLE, III,
Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the twenty-sixth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-sixth legislative day was approved.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 315. HONORING MR. EDMOND BURK HICKMAN, DIRECTOR OF THE DOTHAN HIGH SCHOOL BAND.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 323. COMMENDING THE CHILTON COUNTY WATER AND FIRE PROTECTION AUTHORITY.

Also:

H. J. R. 324. CONGRATULATING AND COMMENDING MISS JENNIFER HENDERSON OF FORT DEPOSIT, LOWNDES COUNTY, ALABAMA.

Also:

H. J. R. 325. COMMENDING MRS. IRENE J. WARE, MANAGER OF WGOK-RADIO IN MOBILE, ALABAMA.

Also:

H. J. R. 326. COMMENDING SERGEANT MAJOR LEON L. DILLINGHAM FOR DISTINGUISHED MILITARY SERVICE.

Also:

H. J. R. 332. COMMENDING ALABAMA CHRISTIAN COLLEGE AND COACH JON HAZELIP FOR THEIR THIRD PLACE FINISH IN THE NATIONAL LITTLE COLLEGE BASKETBALL TOURNAMENT.

Also:

H. J. R. 333. COMMENDING J. F. INGRAM STATE TECHNICAL INSTITUTE IN DEATSVILLE, ALABAMA, AND DR. MURRY C. GREGG FOR THEIR EFFORTS IN REHABILITATING PRISONERS.

Also:

H. J. R. 334. HONORING DR. SANFORD DIXON BISHOP UPON HIS RETIREMENT AS PRESIDENT OF S. D. BISHOP STATE JUNIOR COLLEGE IN MOBILE, ALABAMA.

McDOWELL LEE,
Secretary.

LEAVE OF ABSENCE

At the request of Rep. Manley, leave of absence was granted for Rep. Zoghby.

At the request of Rep. Manley, leave of absence was granted for Rep. Hines, due to illness.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Manley:

H. R. 336. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn today, Tuesday, May 5, 1981, we adjourn to meet again on Wednesday, May 6, 1981, at 12:00 o'clock Noon.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 336, was adopted.

Also:

By Rep. Manley:

H. J. R. 337. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when we adjourn on Thursday, May 7, 1981, we adjourn to meet again on Monday, May, 18, 1981, and when we adjourn on Monday, May 18, 1981, we adjourn sine die.

On motion of Rep. Manley, the rules were suspended and the resolution, H. J. R. 337, was adopted.

Also:

By Rep. Manley:

H. R. 338. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That if at the hour of 6:00 P.M. on Tuesday, May 5, 1981, the House has not adjourned, the House will stand in recess from 6:00 P.M. to 8:00 P.M. for dinner and will reconvene at 8:00 P.M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 338, was adopted.

BILLS ON SECOND READING

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 444. To provide for mechanical sewage treatment plants for use to treat wastewater from individual homes.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 1021. (With Amendments): Relating to abortions and certain unemancipated minors; providing for notification of parents or guardians of unemancipated minors who plan to have abortions; making certain exceptions for medical emergency; providing proceedings whereby abortions may be obtained by certain mature minors or when in the minor's best interest without such notification; providing a judicial proceeding to determine such maturity or interests; providing that performance of an abortion in violation of notification requirements constitutes Class B misdemeanor; and prescribing penalties for such misdemeanor.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 455. To amend Sections 34-29-4, 34-29-20, 34-29-23, 34-29-41 and 34-29-45, Code of Alabama 1975, which relate to the Alabama Board of Veterinary Medical Examiners, so as to provide further for the term and compensation of the members of the board and to increase the fees of the board.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

S. 30. (With Amendments): To recognize the right of an adult person to make a written directive instructing his physician to withhold lifesustaining procedures in the event of a terminal condition; to prescribe the procedure for executing such directive.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 459. (With Substitute): To amend the "Hazardous Wastes Management Act of 1978" so as to enlarge and prescribe the remedies and civil and criminal penalties for contamination of groundwater or other violations of the Act or the rules and regulations promulgated thereunder and to require that operators of hazardous waste storage or treatment facilities and hazardous waste disposal sites must post bonds or provide other acceptable financial assurances payable to the State of Alabama conditioned upon compliance with the Act and the rules and regulations promulgated thereunder.

Rep. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 240. To amend Section 5-5A-19, Code of Alabama 1975, which relates to the amount of reserve that a bank which is not a member of the Federal Reserve System is required to maintain and to repeal the provisions fixing minimum and maximum amount of required reserves.

S. 120. To amend Act No. 80-658 of the 1980 Legislature of Alabama, Sections 5-7A-40 through 5-7A-43, Code of Alabama 1975, to authorize any banking corporation organized under the laws of this state to reorganize with a national banking association, to define the circumstances under which such a reorganization may take place, to state the procedures necessary to accomplish such reorganization, to prescribe the rights and duties of parties to such reorganization to provide that this Act shall not be deemed to confer upon a resulting bank the right to establish additional branch banking offices which could not have been established by a bank which is a party thereto had such reorganization not occurred, to repeal inconsistent laws, and to provide that the provisions of this Act shall be severable.

Rep. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 46. (With Substitute): To provide for the definition, appointment, and removal of bank investigators and to specify the qualifications and powers of bank investigators and the responsibilities of the employing bank.

Rep. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 600. To provide further for political contributions by corporations, whether for profit or non-profit.

The above bill was read a second time at length as required by the Constitution.

Rep. Whatley, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 417. To amend Section 2-7-7, Code of Alabama 1975, which Section relates to a payment by the Alabama Agricultural and Industrial Exhibit Commission to the South Alabama State Fair Association for premiums, awards and prizes given at said Fair to exhibitors of cattle, sheep, goats, hogs, agricultural shows or exhibits, fine art shows, exhibits for 4-H Clubs, Future Farmers of America, and Future Homemakers of America, poultry and other types of exhibits so as to remove a limitation of \$10,000.00 which the said Section imposes.

S. 405. To amend Sections 2-10-21 and 2-10-23, Code of Alabama 1975, by raising initial permit fees to \$25.00; to require annual renewal permit fees of \$25.00.

S. 501. To amend section 2-3A-7, Code of Alabama 1975, to authorize the Alabama Agricultural Development Authority to invest its funds in additional ways.

S. 205. To require that all nonresident aliens that own or lease agricultural land, or engage in farming within Alabama must annually report to the Commissioner of Agriculture and Industries, and to establish penalties for failure to report.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 464. Relating to Chilton County: To authorize the Board of Health of said county to fix a schedule of fees for services rendered pursuant to the duties with which the Board is charged and to provide for the approval of such fee schedule by the County Commission of Chilton County, Alabama.

S. 602. Relating to Lee County; providing an expense allowance for the coroner.

S. 640. To extend, alter and rearrange the boundaries and corporate limits of the City of Decatur, a municipal corporation in the State of Alabama so as to include within the corporate limits of the City of Decatur certain adjacent territory.

S. 656. To amend Section 1 of Act No. 333, H. 234 Special Session 1966, (Acts 1966, p. 476) which relates to expense allowances of the chairman and members of the county board of equalization of Autauga County.

H. 1052. Relating to Lee County; providing further for levying additional court costs, and the collection and distribution of such court costs, on the service of all court papers or documents arising out of civil or quasi-civil actions; and providing for the distribution of the revenue thereby generated.

H. 1053. Relating to Lee County; providing further for additional levy of court costs and the collection and distribution of such cort costs, on the service of certain court papers or documents arising out of any civil or criminal action, instituted outside the state of Alabama, whether at law or equity; and prescribing that all revenue thereby generated shall be deposited into the Lee County general fund.

H. 1115. Relating to Clarke County; to provide further for the election of the members of the county commission.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 1116. (With Amendment): To authorize the Chilton County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1117. Relating to Marion County; amending further Section 10 of Act No. 115, H. 409, 1949 Regular Session (Acts 1949, p. 139), as amended by Act No. 39, H. 21, 1963 First Special Session (Acts 1963, p. 116), which act levies and provides for the collection and distribution of sales and use taxes in the county, so as to provide further for the distribution of the proceeds from such tax.

H. 1119. Relating to the Twenty-fourth Judicial Circuit; amending Act No. 671, S. 728 of the 1976 Regular Session (Acts 1976, p. 922), relating to the salary of the circuit judge and the share of the counties composing such circuit, so as to provide further therefor and to include the district attorney of the county in such supplemental salary.

H. 1120. Relating to Pike County; to provide further for the election of the members of the county board of education.

H. 1124. Relating to Choctaw County; providing further for the compensation of the members of the county commission.

H. 1125. Relating to Choctaw County, to amend further Section 1 of Act No. 1022, S. 877, 1969 Regular Session (Acts 1969, p. 2512) as amended, which act deals with the issuance of pistol permits in certain counties classified on a population basis, so as to provide further for the use of the monies collected upon issuance of such permits.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 715. To amend Section 8 of Act No. 79-454 of the Regular Session of 1979, herein called "Act 454", which Act 454 provided for the following in Jefferson County: abolishment of the office of Coroner; for all powers, rights and duties performed by coroners to be performed by the governing body of the County through appointed coroner-medical examiners, representatives, or agents; the establishment and composition of the Coroner-Medical Examiners Commission; the powers to be exercised and the duties to be performed by the Coroner-Medical Examiners' Commission; and the terms of office of the members of the Coroner-Medical Examiners' Commission.

H. 1031. To further amend Act No. 497, Regular Session of the Legislature of Alabama of 1965, (Ala. Acts, 1965, pp. 717-739) establishing a pension system for employees and officers of Jefferson County, Alabama, as heretofore amended.

H. 1064. To further amend Section 8 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, establishing a pension system for employees and officers of Jefferson County, Alabama, as said Section 8 has been heretofore amended.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 892. (With Amendment): To increase from fifty dollars per month to two hundred dollars per month the expense allowance received by certain Jefferson County officials in lieu of being provided an automobile by the County.

Rep. Sandusky, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 402. Relating to Mobile County, the Probate Judge shall not receive for record or permit the recording of any instrument, conveying title or any interest in real property that does not have legibly printed, typewritten or stamped thereon the Grantee's name and latest complete address.

S. 403. To authorize the Tax Assessor of Mobile County to establish a certain salary schedule for all appointed positions in that office.

S. 628. To propose an amendment to the Constitution of Alabama with respect to the filling of vacancies in the office of judge of the circuit court and the office of judge of the district court of Mobile County.

The above bill was read a second time at length as required by the Constitution.

S. 660. To amend the Title and Section 1 of Act No. 155, H. 654, Regular Session 1969 (Acts 1969, p. 403) which provides that the Governing Body of any city or town in any county in the State of Alabama having a population in excess of 300,000 and less than 600,000 inhabitants may create the position of Assistant City Attorney on a full-time basis and may provide that any person holding such position in the municipal government shall be immediately placed upon the employment civil service or merit system roster of such county without examination or decrease in salary and that such position shall thereafter remain under the provisions of any such civil service or merit system, so that such municipal governing body may create one or more positions of Assistant City Attorney on a full-time basis and may provide that any person or persons filling such position or positions shall be immediately placed upon such employment civil service or merit system roster without examination or decrease in salary and that such position shall thereafter remain under the provisions of any such civil service or merit system.

Rep. Sandusky, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 965. (With Substitute): Relating to any Class 2 municipality; to provide for a form of government to be known as the district-commission form of municipal government; to provide for a referendum to determine if the electors desire to adopt this form of municipal government; to create and define the three districts; to define and prescribe the legal status and the governmental powers of any such municipality under the district-commission form of government; to provide as the governing body of any such municipality a city commission of three members and provide for their election and terms of office; to prescribe their authority, and also the functions, duties, powers and authority of the city commission as a body, and to prescribe rules and procedures for the enactment of ordinances; to provide for the election, appointment or designation of officers, officials, and employees of such municipality and for their qualifications, duties, functions, powers and authority; to provide for the control of finances of such municipality; to require an annual budget and provide for its preparation, submission, and adoption, and prescribe the effect thereof; to authorize the commission to establish and provide for divisions and departments of the municipal government; to create and define the powers, functions, duties, and authority of the department of finance and create the office of comptroller, prescribe the powers, duties, and authority of such comptroller and regulate purchases and contracts of such municipality; to provide for initially establishing and reapportioning the commission districts; to prescribe terms and effects of succession in the government of the municipality; to make various other provisions for such municipal government; to provide for the means of abandoning the district-commission form of government and the adoption of any such municipality of other forms of municipal government in lieu thereof; and to provide penalties for violation of certain provisions of this act.

Rep. Sandusky, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 1118. To amend the title and Section 18 of Act No. 2431, H. 2569 Regular Session 1971 (Acts 1971, p. 3880 et seq.) as amended, which relates to all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census; to provide for and create a County Racing Commission for the regulation, licensing, and supervision of dog racing, and wagering thereon, etc., so as to provide further for the distribution of license fees, taxes, commissions, and other monies received under the provisions of this Act, and to create a board for the purpose of distributing a portion of such monies.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 1029. Relating to Tuscaloosa County; relating to voter registration; to provide for compensation of the board of registrars; to provide for meetings

and times and places of registration by the board; to provide for the attendance by at least one registrar at the courthouse on each regular working day except when the full board is in session; to provide for purging of voter lists; to provide for the publication of the list of registered voters.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 1054. (With Amendment): Relating to Lee County; to authorize the county commission to levy and collect certain taxes and fees, and to provide for the disposition of any proceeds from such taxes and fees.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1061. To amend Section 1 of Act No. 80-538, H. 395, of the 1980 Regular Session of the Legislature (Acts 1980, p. 836), relating to the salary of the chairman of the Jackson County Commission so as to provide further for the salary of said chairman.

H. 1109. Relating to Bullock County; to provide for an additional expense allowance for the Board of Registrars of said county.

H. 1114. Relating to Bullock County; providing further for the salary of the clerk employed in the tax collector's office.

H. 1122. Relating to Bullock County; providing for the levying and collecting of special county privilege license and excise taxes paralleling the state sales and use taxes provides for in Chapter 23 of Title 40, Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the state revenue department; providing for the distribution and use of the proceeds for the construction, operation and maintenance of a county jail, and five years thereafter a portion to the general fund; providing penalties for the violations of this act; and providing that the terms of this act shall not become effective unless approved by the electors of Bullock County at a referendum election held for such purpose.

H. 1123. Relating to Shelby County; relating to compensation for part-time bailiffs in such county and providing further for additional expense allowance, payable from the county general fund; and specifically repealing Act No. 80-791, S. 615 of the 1980 Regular Session (Acts 1980, Vol. III, p. 1623), relating to compensation for part-time bailiffs in Shelby County, and all conflicting laws.

H. 1128. Relating to Dale County; to amend Section 1 of Act No. 2038, Regular Session 1971 (Acts 1971, p. 3270), concerning the sale of alcoholic beverages in certain places, so as to further provide for the sale of such beverages, limiting the prohibition of sale outside certain municipalities to sale for on-premises consumption.

H. 1129. Relating to Tuscaloosa County; amending Section 7 of Act No. 357, S. 468 of the 1949 Regular Session (Acts 1949, p. 524), relating to the civil service regulations for Tuscaloosa County and applications therefor, so as to eliminate the provisions for an application fee.

H. 1130. Relating to Elmore County; providing the country governing body may, by vote at a regularly scheduled meeting of that body, increase mileage payable to county employees on official business; and repealing all laws conflicting with the provisions of this act.

S. 652. Relating to Tallapoosa County; to amend further Section 2 of Act No. 83, H. 427, Regular Session of 1957 (Acts 1957, p. 124), so as to provide further for the office and travel expenses of the coroner; and to provide for retroactive effect.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Biddle, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolutions and ordered same returned to the House with a favorable report:

S. J. R. 171. COMMENDATION OF JOSEPH P. GIVHAN FOR HIS OUTSTANDING SERVICE TO ALABAMA.

On motion of Rep. Biddle, the resolution, S. J. R. 171, was adopted.

Also:

S. J. R. 175. HONORING MR. TOMMY GOFF OF AUBURN, ALABAMA.

On motion of Rep. Biddle, the resolution, S. J. R. 175, was adopted.

Also:

S. J. R. 176. MOURNING THE DEATH OF MR. JAMES R. RAIFORD OF MONTGOMERY, ALABAMA.

On motion of Rep. Biddle, the resolution, S. J. R. 176, was adopted.

Also:

S. J. R. 177. MOURNING THE DEATH OF W. D. "WILLIE" DeARMOND, MONTGOMERY, ALABAMA.

On motion of Rep. Biddle, the resolution, S. J. R. 177, was adopted.

Also:

S. J. R. 179. COMMENDING JUDY G. McCLEAN, ON SUCCESSFULLY COMPLETING THE EXAMINATION FOR CERTIFIED PUBLIC ACCOUNTANTS.

On motion of Rep. Biddle, the resolution, S. J. R. 179, was adopted.

Also:

S. J. R. 172. REQUIRING THE CHIEF EXAMINERS OF PUBLIC ACCOUNTS TO ASCERTAIN AMOUNT OWED BY STATE TO THE COUNTIES FOR HOUSING, FEEDING, AND CARING FOR STATE PRISONERS.

On motion of Rep. Biddle, the resolution, S. J. R. 172, was adopted.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 339. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special and paramount order of business May 5, 1981, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

By Rep. Moore:

H. 1035 p. 3S Advertising and promotion

By Rep. Kelley:

H. 842 p. 109 Sheriffs

By Rep. Laird:

H. 437 p. 101 Unemployment Compensation Act

By Rep. Owens:

H. 382 p. 7S Public Health

By Rep. Kelley:

H. 74 p. 14 Fees, criminal and civil cases

By Rep. Kelley:

H. 75 p. 13 Indigent defendants

By Rep. Daniels:

H. 647 p. 98 Reorganization PSC

By Rep. Adams (H):

H. 408 p. 65 Fraud

By Rep. Waggoner:

H. 361 p. 40 Ala. Aviation Hall of Fame

By Rep. Penry:

H. 447 p. 32 Railroads

By Rep. Payne:

H. 387 p. 23 Hazing

By Rep. Gafford:

H. 1022 p. 3S State employees

By Rep. Amari:

H. 160 p. 75 Liability

By Rep. Bowling:

H. 725 p. 67 Miniature bill

By Rep. Letson:

H. 63 p. 3 Commercial fertilizer

By Rep. Letson:

H. 65 p. 4 Warehouses

By Rep. Bennett:

H. 161 p. 9 Kindergarten program

By Rep. Dixon:

H. 747 p. 70 Solid waste

By Rep. McMillan:

H. 602 p. 139 Historic Blakeley Authority

By Rep. Willis:

H. 429 p. 28 State parks

By Rep. Cates:

H. 781 p. 92 Bonds, interest rates

By Rep. Dial:

H. 391 p. 41 Reflective markers

By Rep. Riddick:

H. 571 p. 103 State employees

By Rep. Campbell:

H. 353 p. 21 Abandoned motor vehicles

By Rep. Edwards:

H. 787 p. 118 County commissions, franchise TV

By Rep. Holmes:

H. 404 p. 17 State employees

By Rep. Gafford:

H. 286 p. 2 PAC

By Rep. Smith (J):

H. 393 p. 51 Mode of execution

By Rep. Waggoner:

H. 552 p. 73 Probate Judge, deeds

By Rep. Kelley:

H. 290 p. 86 Environmental Management

By Rep. Whatley:

H. 689 p. 63 Utilities, closing of offices

By Rep. Clark (G):

H. 961 p. 124 Tombigbee Valley Dev. Authority

By Rep. Clark (G):

H. 962 p. 124 Tombigbee Valley Dev. Authority

By Rep. Zoghby:

H. 853 p. 93 Fighting dogs

By Rep. Smith (J):

H. 780 p. 81 Descent and distribution

By Rep. Naramore:

H. 570 p. 83 Good Samaritan Act

By Rep. Dixon:

H. 175 p. 17 Blood Donors

By Rep. Naramore:

H. 180 p. 12 Petroleum Gas

By Rep. Clark (G):

H. 964 p. 125 Juries

By Rep. Bennett:

H. 205 p. 3 Alternate reporting periods

By Rep. Whatley:

H. 794 p. 88 Agriculture industry

By Rep. Minus:

H. 786 p. 82 Divorce

By Rep. Bowling:

H. 385 p. 49 Printing and publication, federal grants

By Rep. Turnham:

H. 678 p. 104 State surplus property

By Rep. Letson:

H. 350 p. 86 Civil cases \$500 to \$1,000

By Rep. Greer:

H. 954 p. 5S Fine for highway violations

By Rep. Carothers:

H. 1113 p. 25S Medical Licensure Commission

On motion of Rep. Biddle, the resolution, H. R. 339, was adopted.

MESSSGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and send same herewith to the House for its consideration:

By Mr. Smith:

S. J. R. 180. COMMENDING THE UAH CHARGER HOCKEY TEAM.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Smith (J), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 180, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. White:

S. J. R. 182. DIRECTING STATE HIGHWAY DIRECTOR TO TAKE CERTAIN MEASURES TO RELIEVE DANGEROUS TRAFFIC CONDITIONS ON ALABAMA HIGHWAY 188, ET CETERA.

Also:

By Mr. Robertson:

S. J. R. 183. HONORING ALL MOTHERS DURING THE WEEK OF May 4-9, 1981.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolutions, S. J. R. 182 and S. J. R. 183, the titles of which are set out in the above and foregoing Message from the Senate, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. Keener:

S. J. R. 184. COMMENDING JUDGE JAMES B. WAID OF GADSDEN, ETOWAH COUNTY, ALABAMA.

Also:

By Mr. deGraffenried:

S. J. R. 185. MOURNING THE DEATH OF DR. JOHN R. MORTON, JR., OF TUSCALOOSA, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 184, the title of which is set out in the above and foregoing Message from the Senate, was referred to the Standing Committee on Rules.

On motion of Rep. Barton, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 185, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Weeks and Kirkland:

S. J. R. 186. COMMENDING DON L. THOMAS OF OPP UPON HIS RETIREMENT.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Biddle, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 186, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Parsons:

S. J. R. 188. COMMENDING ANDREW MARK HUTCHER FOR HIS DEDICATED SERVICE DURING HIS EMPLOYMENT WITH THE ALABAMA STATE SENATE IN THE LIEUTENANT GOVERNOR'S OFFICE.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Biddle, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 188, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Parsons:

S. 411. To amend Section 15-22-32, Code of Alabama 1975, relating to the holding of parole courts by the board of pardons and paroles for alleged parole violations, so as to provide further for the holding of such parole courts.

Also:

By Messrs. Cook and Parsons:

S. 433. To transfer any appropriations, powers and duties, as prescribed by Title 25, Chapter 8, of the Code of Alabama 1975, heretofore under the jurisdiction of the department of industrial relations to the department of labor under the direction of the commissioner of labor.

Also:

By Messrs. Mitchem, deGraffenried, Barron and White:

S. 452. To provide that the state agencies, departments, boards or commissions may purchase liability insurance or be the self-insuror of the wrongful acts or omissions committed by their employees, agents, or servants while in the performance of their official duties in the line and scope of their employment; to establish the procedure for notification of the state Attorney General of suits against state employees for acts committed in the line and scope of their performance; and to provide that the charges or costs of such liability insurance or self insurance shall be borne from the general operating funds of the various state agencies, boards, commissions or departments.

Also:

By Mr. Callahan:

S. 469. To provide that matters originating in the probate court shall not be removed or appealed to a district court.

Also:

By Mr. Callahan:

S. 474. To amend Section 12-19-113 Code of Alabama 1975 so as to provide that a juror summoned to pass upon the soundness of mind of a person shall be entitled to receive \$8.00 per day of attendance.

Also:

By Messrs. Robertson, Britnell, Taylor, Glass, Callahan, Harrison, Denton and Hall:

S. 523. To prescribe that the state of Alabama denies any cause of action based on "wrongful life"; to deny any action or award of damages based on the claim that but for the conduct of another person he or she would not have been conceived, or would not have been permitted to have been, born alive; to provide that the failure or refusal of any person to prevent any live birth shall not constitute a defense, nor shall such failure or refusal be considered in awarding damages or imposing any penalty.

Also:

By Mr. Teague:

S. 540. To amend Section 23 of the Alcoholic Beverage Licensing Code, being Act No. 80-529, Acts of Alabama 1980 now appearing as § 28-3A-23, Code of Alabama 1975, by deleting the residence requirements relating to wholesale licenses.

Also:

By Mr. Cook:

S. 566. To amend Section 40-15-13, Code of Alabama of 1975, concerning liens for Estate Tax purposes.

Also:

By Mr. Cook:

S. 567. To amend Section 16-13-99, Code of Alabama of 1975, which Section relates to place and method of payment of warrants, by eliminating therefrom the schedule of maximum fees to be paid a Paying Agent for the services performed in acting as Paying Agent of a board of education and as reimbursement for expenses incurred in remitting payments of warrants and/or coupons therefrom and substituting therefor a provision that a board of education shall pay such reasonable fees for such services, and as such reimbursement as may be negotiated and agreed upon by the board of education and its Paying Agent.

Also:

By Mr. Weeks:

S. 578. To make a conditional appropriation from the state treasury to the Charles Henderson High School of Troy for the fiscal year ending September 30, 1981, for the purpose of sending the marching band to England to participate in the International Festival of Marching Bands in July.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 411. State Administration.
- S. 433. State Administration.
- S. 452. Ways and Means.
- S. 469. Judiciary.
- S. 474. Ways and Means.
- S. 523. Judiciary.
- S. 540. Judiciary.
- S. 566. Ways and Means.
- S. 567. Ways and Means.
- S. 578. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Cook:

S. 50. To provide that members of the national guard while on emergency state active duty and while actually performing a mission in connection with emergency state active duty, and when the Governor has declared that emergency powers are necessary, members of the national guard selected by the Adjutant General or his designated representative, shall be possessed with the same legal authority as any other state law enforcement officer, including but not limited to all law enforcement powers including powers of arrest and to further provide for the wearing of badges.

Also:

By Mr. Cook:

S. 52. To amend Section 31-2-90, Code of Alabama 1975, which provides for appointment of defense counsel in actions against members of the national guard, so as to make such counsel available at state expense, from the regular or special appropriations for the maintenance of the national guard or the general fund, in the discretion of the governor, when the adjutant general determines that a member of the national guard acted reasonably or in his official capacity in the discharge of any duty under the military code.

Also:

By Mr. St. John:

S. 67. To further amend Section 4 of Act No. 551, H. 321, Regular Session 1967 (Acts 1967, Vol. II, p. 1300), as amended, relating to the Alabama State Council on the Arts and Humanities so as to bring the employees of such Council under the provisions of the Merit System and State Employees' Retirement System.

Also:

By Mr. Teague:

S. 129. To amend Section 40-23-50, Code of Alabama 1975, in order to exempt from the gross receipts tax levied therein amounts paid to road contractors under contractual escalation provisions for escalations in the cost of fuels, materials, and/or labor.

Also:

By Mr. Keener:

S. 166. To amend Sections 16-24-7 and 16-24-10, Code of Alabama, 1975 relating to hearings before the Alabama State Tenure Commission.

Also:

By Mr. Bailey:

S. 189. To amend Section 36-29-2 of the Code of Alabama 1975 relating to the state employees' insurance board so as to further provide for the state employee members of the board.

Also:

By Mr. Keener:

S. 199. To exempt any department or agency of this State whose cost of printing and publication, including the cost equipment, machines, supplies and inventory is financed in full from federal grants under the authority of Title IX of the Social Security Act of 1935, as amended, for the purpose of administering the Employment Security Program in Alabama from the provisions of Act 1286 of the 1973 Regular Session of the Legislature of Alabama.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 50. Military Affairs.
- S. 52. Military Affairs.
- S. 67. Ways and Means.
- S. 129. Ways and Means.
- S. 166. Education.
- S. 189. State Administration.
- S. 199. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. deGraffenried:

S. 206. To amend section 26-11-2, Code of Alabama 1975, relating to legitimation of children so as to provide the mother of a child and the child with notice, appointment of a guardian ad litem, and a hearing before legitimation by the father occurs; and to amend section 26-11-3, Code of Alabama 1975, in order to provide the mother of the child and the child with notice, appointment of a guardian ad litem, and a hearing before a name change takes effect.

Also:

By Mr. Bailey:

S. 230. To amend Sections 36-26-16 and 36-26-17 of the Code of Alabama, 1975, so as to increase the number of eligibles an appointing authority may have to consider in filling vacancies by appointment from eligible registers.

Also:

By Mr. Taylor:

S. 260. To amend Section 25-4-51, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act so as to clarify the period required for a reimbursing employer to become eligible to change method of financing benefit costs; to provide for the succession of and by governmental entities; designate liability for resulting benefit cost and recovery of such costs from an abolished state agency and to provide for the modification of advance payment rates for governmental employers and the procedure for appealing an assigned or modified rate.

Also:

By Mr. Barron:

S. 288. To provide that fees may be charged and collected from time to time for the privilege of obtaining or using a credit card, or other open end credit plan, that entitles the user (a) to purchase or lease goods or services from at least 25 persons, or (b) to obtain loans or other extensions of credit from time to time from one or more persons, or (c) to do both; to provide that such fees shall not constitute finance charges or interest for any purpose; to prescribe certain restrictions on fees on credit cards; to provide that the provisions of this act are cumulative and are not in derogation of other rights; and to provide for severability, the repeal of conflicting laws or parts of laws and for the effective date of this act.

Also:

By Messrs. Lemaster and Taylor:

S. 294. To prevent a public hospital from granting extra compensation to any officer or employee of the hospital or any contractor from receiving extra compensation after a service has been rendered or a contract made and to prevent an increase or decrease of compensation of officers during a term of office; nor shall a public hospital have authority to lend its credit or grant public money or thing of value to any individual, association, corporation, official, or employee.

Also:

By Messrs. Higginbotham, St. John, Martin, Callahan, Barron, Goodwin, Mitchem and Vacca:

S. 336. Proposing an amendment to the Constitution of Alabama relating to the prohibition of legal action by employees covered under workmen's compensation laws against co-employees; defines co-employees; provides for a legal action by employees for willful and wanton misconduct; and protects the damages recovered by employees in actions against parties other than the employer from subrogation claims.

Also:

By Mr. Goodwin:

S. 342. To provide for the payment of tuition and the cost of textbooks for an undergraduate student in a state college, junior college, state technical college or university, who is the dependent child or spouse who has not remarried, of a state law enforcement officer killed in the line of duty; to

create a Tuition Eligibility Board to administer the provisions of the Act, and to prescribe its composition, duties and responsibilities; to appropriate necessary funds from the State General Fund.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 206. Judiciary.
- S. 230. State Administration.
- S. 260. State Administration.
- S. 288. Banking.
- S. 294. State Administration.

SENATE MESSAGE

The Senate Bill, S. 336, the title of which is set out in the above and foregoing Message from the Senate, was read a first time at length as required by the Constitution, and referred to the Standing Committee on State Administration.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

- S. 342. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Keener:

S. 41. To amend Sections 12-17-140, 12-17-142, 12-17-143 and 12-17-147, Code of Alabama 1975, which relates to the supernumerary fund of clerks and registers of the circuit court, so as to: Require that the salary of each supernumerary clerk or register be paid on a bi-weekly basis; to place the clerks' and registers' supernumerary fund under the management and control of the employees' retirement system of Alabama; to provide that the secretary-treasurer of the employees' retirement system of Alabama shall invest such fund; to provide for refunds of contributions and accrued interest.

McDOWELL LEE,
Secretary.

REGULAR SESSION
27th Day

1867

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 41. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Barron:

S. 642. To amend Section 40-12-414, Code of Alabama 1975, by providing that a licensee may file a financial statement with the department of revenue in lieu of posting a cash bond or surety bond; to amend Section 40-12-421, Code of Alabama 1975; to provide that only licensed dismantlers and recyclers as defined by this act will be permitted to buy at salvage pools, and revoking the privilege of licensees under Article 8, Chapter 12, Code of Alabama 1975, to buy at such pools; and further to amend said section by revoking all buyer identification cards heretofore issued under this Article and requiring all persons, firms or corporations who qualify to obtain a new buyer's identification card and pay the fee prescribed.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 642. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Gullledge:

S. 608. To create the Historic Blakeley Authority to establish as a state park the lands in Baldwin County known as the Blakeley site; provides for membership on the board of the authority; provides that the board shall have corporate powers; provides for the issuance of bonds; and provides that the authority shall employ personnel to operate and maintain the state park.

Also:

By Mr. White:

S. 641. To amend Section 34-23-90 of the Code of Alabama 1975, to provide on the Alabama State Board of Pharmacy representation of hospital pharmacists by changing the method of making nominations from which appointments are made to the Board.

Also:

By Mr. Teague:

S. 659. To impose certain court costs and seizure fees; to provide for their distribution to certain police academies; to provide for the acceptance of grants and to provide for cooperation between certain agencies.

Also:

By Mr. Parsons:

S. 647. To provide for domestic violence shelters to grant relief from family violence disturbances; to prescribe the duties, responsibilities and powers of the office of prosecution services, the district attorneys, the executive committee of the Alabama District Attorney Association, and the facilities relating to administering the provisions of this act; to provide for certification, process, contracting and certain funding for facilities and programs which provide service for victims of domestic violence; to authorize each participating district attorney to formulate and conduct certain research, evaluation and educational programs related thereto within its jurisdiction or community; to empower the said facilities to enlist the assistance of certain public, voluntary and state agencies and to be established or operate on a joint basis; to authorize contracting for services or shelter; to prescribe that the participating district attorneys, facilities and the office of prosecution services shall make certain reports; to provide certain matching funds for qualified applicants for contracting services or shelter, and to establish eligibility and standards therefor; to exempt certain facilities from the provisions of Title 38, Chapter 7 and Title 26, Chapter 14 of the Code of Alabama 1975; to prescribe that certain information shall be confidential; to increase marriage license fees for purposes of funding the provisions of this act; to prescribe a limitation on the use of matching funds for administration of the provision of this act; to provide for the disposition of unencumbered and unspent funds; and to provide for certain immunities.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 608. Natural Resources.

S. 641. Health.

S. 659. Ways and Means.

S. 647. Public Welfare.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Teague:

S. 539. To provide that all entities engaged in the sale of petroleum products file a specified declaration with the commissioner of revenue; to provide that no producer or refiner of petroleum products shall open or operate a retail service station after certain specified dates with reasonable exceptions to the specified dates as allowed by the department of revenue; to provide that if discounts are offered, they must be offered on a nondiscriminatory basis.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 539. Judiciary.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Biddle, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report, with substitute:

S. J. R. 162. AMENDING ACT NO. 81-294, S. J. R. 121, 1981 REGULAR SESSION, WHICH CREATES A JOINT INTERIM COMMITTEE TO INVESTIGATE THE FEASIBILITY OF CREATING A PERPETUAL INTEREST FUND AND ANY OTHER INVESTMENTS AND/OR EXPENDITURES FOR THE WINDFALL STATE OIL LEASE REVENUES.

Said committee substitute being as follows:

AMENDING ACT NO. 81-294, S. J. R. 121, 1981 REGULAR SESSION, WHICH CREATES A JOINT INTERIM COMMITTEE TO INVESTIGATE THE FEASIBILITY OF CREATING A PERPETUAL INTEREST FUND AND ANY OTHER INVESTMENTS AND/OR EXPENDITURES FOR THE WINDFALL STATE OIL LEASE REVENUES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 81-294, S. J. R. 121, 1981 Regular Session, is hereby amended to read as follows:

"WHEREAS, the State of Alabama finds a unique opportunity in the large windfall accruing to the state from its recent oil leases; and

"WHEREAS, no legislature in the history of Alabama has had the opportunity to address the critical needs of the state without imposing burdensome taxes upon the people; and

"WHEREAS, the possibility exists of placing the revenues of the oil leases in a perpetual interest fund and/or other investments; and

"WHEREAS, it is the responsibility of this Legislature to carefully and wisely weigh the alternatives of expending these oil lease revenues; now therefore,

"BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a continuing legislative committee be established, consisting of the seven members of the Senate and the

seven members of the House appointed by the Presiding Officer in each house which composes the present membership of the interim committee established by Act No. 81-294 to investigate the feasibility of establishing a perpetual interest fund and any other investment and/or expenditures that would prove to be to the best interest of the taxpayers in the State of Alabama. Each member of the committee shall be entitled to his regular legislative compensation, his per diem, mileage and travel expenses. Said money shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman. Provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session, but they shall receive their travel expenses for all meetings attended and for any travel upon the business of the committee.

"Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide clerical assistance as may be necessary for the committee's work. The committee is hereby authorized to employ a court reporter, legal counsel and bond counsel as may be necessary for the committee's work.

"The total expenses of the committee shall not exceed \$15,000.

"The committee shall report in writing its findings, conclusions and recommendations to the Legislature not later than the fifth legislative day of the 1982 Regular Session.

"BE IT FURTHER RESOLVED, That the committee meet with the leaders of state agencies, representatives of banks and all other financial institutions to determine the best possible method of investment."

SUBSTITUTE ADOPTED

On motion of Rep. Biddle, the substitute was adopted.

RESOLUTION ADOPTED

And the resolution, S. J. R. 162 as amended, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 912. Proposing an amendment to the Constitution of 1901; relating to legalizing the operation of bingo games for prizes or money by certain non-profit organizations for charitable or educational purposes in Montgomery County.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Langford, the House non-concurred in the Senate amendment to the bill, H. 912, and requested a Committee on Conference be appointed on the disagreement of the two Houses, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To propose an amendment to the Constitution of 1901, to legalize the operation of bingo games for prizes or money by certain nonprofit organizations for charitable and educational purposes in Montgomery County.

Be It Enacted by the Legislature of Alabama:

SECTION 1. The following amendment to the Constitution of Alabama 1901, is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and by a majority of the voters casting ballots thereon in Montgomery county and upon proclamation of the Governor.

PROPOSED AMENDMENT

Bingo games operated for prizes or money the proceeds of which shall be used solely for charitable purposes shall be legal in Montgomery County, Alabama, when such bingo games are operated for such purposes by a nonprofit, tax exempt organization which has been recognized and classified as such by the Internal Revenue Service of the United States and which is qualified to receive charitable contributions which are deductible for federal income tax purposes under Section 170(c) of the Internal Revenue Code of 1954, as amended; provided, however, the operation of such bingo games for such purpose shall be subject to the provisions of any resolution or ordinance by the county governing body or the governing bodies of the respective cities and towns, within their respective jurisdictions. The said governing bodies shall have the authority to promulgate rules and regulations for the licensing and operation of bingo games, within their respective jurisdictions, provided, however, that said governing bodies must insure compliance with the following provisions:

(a) No person under the age of 19 shall be permitted to play any game or games of bingo, nor shall any person under the age of 19 be permitted to conduct or assist in the conduct of any game of bingo;

(b) No bingo license shall be issued to any nonprofit organization, unless such organization shall have been in existence for at least 24 months immediately prior to the issuance of the license;

(c) Bingo games shall be operated only on premises which are wholly owned by a bona fide charitable organization which operates without profit to its members and which is exempt from taxation by virtue of having been classified as a tax exempt nonprofit organization by the Internal Revenue Service of the United States or on premises the use of which has donated free of any rental charge or rented from a charitable organization who qualifies as such pursuant to the above classifications;

(d) No nonprofit organization shall enter into any contract with any individual, firm, association or corporation to have said individual, or entity operate bingo games or concessions on behalf of the nonprofit organization, nor shall said nonprofit organization pay consulting fees to any individual or entity for any services performed in relation to the operating said bingo game;

(e) A nonprofit organization shall not lend its name or allow its identity to be used by any other person or entity in the operating or advertising of a bingo game in which said nonprofit organization is not directly and solely operating said bingo game;

(f) Prizes given by any nonprofit organization for the playing of bingo games shall not exceed \$2,000.00 in cash or gifts of equivalent value during any calendar week;

(g) No person or organization, by whatever name or composition thereof, shall take any salary, expense money, or fees as remuneration for services rendered in the operation of any bingo game, except that not more than ten (\$10.00) dollars per day may be paid to ten or less individuals for assisting in the conduct of such games.

SECTION 2. An election upon the proposed amendment is ordered to be held at the next general, special, or primary election after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama, 1975.

SECTION 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

Yeas 8; Nays 0.

Yeas:

Reps.: Dixon, Grouby, Holmes, Langford, McKee, Mitchell, Willis and Wyatt.

—8

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House.

H. 911. To provide that the operation of bingo games for prizes or money only by qualified organizations for bona fide charitable, educational, or other lawful purposes shall be legal in Montgomery County; to provide for permits or licenses, applications, forms and contents to operate bingo, to provide for special permits or licenses, to prohibit certain activities and impose special requirements; to provide for fees and expenses; to provide for the disposition of proceeds; to provide for the operation of bingo; to provide for the keeping of records and their inspection; to provide for the issuance and revocation of permits or licenses; to provide for supervision by the circuit

court; to provide for certain powers and duties of the sheriff; to provide for penalties and forfeitures; and to provide that this act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing bingo in Montgomery County, and approved at a referendum on the subject in the county; provided, however, if said amendment is approved by a majority of the voters casting ballots thereon in Montgomery County, no further referendum is needed.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Langford, the House non-concurred in the Senate amendment to the bill, H. 911, and requested a Committee on Conference be appointed on the disagreement of the two Houses, said Senate amendment being as follows:

A BILL TO BE ENTITLED AN ACT

To provide that the operation of bingo games for prizes or money by qualified organizations for bona fide charitable or educational purposes shall be legal in Montgomery County, to provide for permits, applications, forms and contents to operate bingo, to provide for special permits, to provide for contents and display of permits, to prohibit certain activities and impose special requirements, to provide for fees and expenses, to provide for the disposition of proceeds, to provide for the operation of bingo, to provide for the keeping of records and their inspection, to provide for the issuance and revocation of permits, to provide for supervision by the Circuit Court, to provide for penalties and forfeitures, and to provide that this Act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing bingo in Montgomery County, but only if said amendment is approved by a majority of the voters casting ballots thereon in Montgomery county.

Be It Enacted by the Legislature of Alabama:

SECTION I. Short title. This Act shall be known and may be cited as the "Montgomery County Bingo Act."

SECTION II. Definitions. As used in this Act.

(a) "Bingo" means that game commonly known as bingo where numbers or symbols on a card are matched with numbers or symbols selected at random.

(b) "Qualified organization" shall mean: a nonprofit, tax exempt organization which has been recognized and classified as such by the Internal Revenue Service of the United States and which is qualified to receive charitable contributions which are deductible for federal income tax purposes under Section 170(c) of the Internal Revenue Code of 1954, as amended.

(c) "Person" means any human being, corporation, association, or other legal entity.

(d) "Permitholder" means a qualified organization which has been issued a permit pursuant to this Act.

(e) "Location" means a single building, hall, enclosure, or outdoor area used for the purpose of playing bingo pursuant to a permit issued under this act. Bingo games shall be held only on the premises wholly owned by a qualified permitholder as defined in Section II, Subsection (d) with exception to rental agreement in Section IX(c) of this act or on premises the use of which has been donated free of any rental charge.

(f) "Bingo session" means a consecutive period of time not to exceed five (5) consecutive hours during which bingo is played.

SECTION III. Operation of Bingo Games. The operation of bingo games for prizes or money by qualified organizations for bona fide charitable or educational purposes shall be legal in Montgomery County subject to the provisions of this act.

SECTION IV. Permit Required, Application, Submission, Form, Contents.

(a) No qualified organization shall be permitted to operate a bingo game unless the Sheriff first issues a permit to the organization authorizing it to do so. The permit described in this act is in addition to and not in lieu of any other business licenses which may be required by law, and no bingo game shall be operated until such time as all required licenses have been obtained. A permitholder may hold only one permit and that permit is valid for only one location. A permit is not assignable or transferable.

(b) Any qualified organization desiring to obtain a permit to operate bingo games in a calendar year shall make application to the Sheriff on forms prescribed by the Sheriff and shall pay an annual fee of \$150.00. Renewal application shall also be filed with the Sheriff. The Sheriff shall refuse to grant a bingo permit to any applicant who fails to fully provide the information required by this subsection. Each application for a permit and each application for renewal of a permit shall contain the following information:

(1) The name and home address of the applicant and, if the applicant is a corporation, association or other similar legal entity, the names and home addresses of each of the officers of the organization as well as the names and addresses of the directors, or other persons similarly situated, of the organization.

(2) The names and home addresses of each of the persons who will be operating or promoting the bingo game.

(3) The names and home addresses of any persons, organizations or other legal entities that will act as surety for the applicant, or to whom the applicant is financially indebted, or to whom any financial obligation is owed by the applicant.

(4) The location at which the applicant will conduct the bingo games.

(5) The day on which bingo will be played.

(6) A statement showing the convictions, if any, for criminal offenses, other than minor traffic offenses, of each of the persons listed in 1, 2 and 3 above.

(7) Any other necessary and reasonable information which the sheriff may require.

(c) Permits may be amended upon resubmission of application, surrender of permit, and payment of \$10.00 fee.

SECTION V. Special Permits.

(a) A qualified organization which does not hold a permit pursuant to Section IV may apply for a special permit for conducting a bingo session at a designated location for a special occasion. Such an applicant shall submit to the sheriff a written application prepared in accordance with and on a form prescribed by rule of the sheriff. The application shall include the information required by Subsection (b) of Section IV, except that the applicant shall indicate the day on which the applicant will conduct the bingo session for the special occasion. Upon a determination by the sheriff that the applicant is a qualified organization and is not ineligible pursuant to Section XV and upon the applicant's payment of the fee required under this subsection to the Department of Revenue, the sheriff may issue a special permit. The special permit fee shall be \$50.00.

(b) A special permit shall contain the name and address of the permitholder and shall specify the location and the day on which the permitholder may conduct the bingo session.

(c) Only one special permit for one day may be issued per qualified organization per year.

(d) Special permits are not transferable or assignable.

SECTION VI. Contents and Display of Permits. (a) Each bingo permit shall contain the name and address of the permitholder, the location at which the permitholder is permitted to conduct bingo and the day of the week on which the permitholder is permitted to conduct bingo. (b) The bingo permitholder shall display the permit conspicuously at the location where bingo is being conducted at all times during the conduct of the games.

SECTION VII. Certain Activities Prohibited, Special Requirements.

(a) It is the intention of the Legislature that only qualified organizations which are properly issued permits pursuant to this Act shall be allowed to operate bingo games. A qualified organization shall not lend its name or allow its identity to be used by any other person in operating or promoting a bingo game in which said other person is financially interested.

(b) All bingo cards shall be clearly marked with the name of the organization using said cards and it shall be unlawful for one qualified organization to use cards owned by another.

(c) It shall be unlawful for two or more qualified organizations to operate bingo games jointly or to operate bingo games upon the same premises during any twelve (12) hour period.

(d) It shall be unlawful for two or more qualified organizations to pyramid the valuation of prizes in such a manner as to exceed the limits in cash or gifts of equivalent value as provided in Section X. The term "equivalent value" shall mean the fair market value of the gift on the date the gift is given as the prize in a bingo game.

(e) No person or organization by whatever name or composition thereof shall take any salary, expense money or fees for the operation of any bingo game, except that not more than \$5.00 per day may be paid to one or more individuals for assisting in the conduct of such games on such day.

(f) No person shall pay consulting fees to any person for any services performed in relation to the operation or conduct of a bingo game.

SECTION VIII. Fee Proceeds, Disposition, Expenses. All fees collected by the sheriff under this Act shall be paid into the county general fund, and all necessary expenses incurred by the sheriff in the administration and enforcement of this act shall be financed from the county general fund.

SECTION IX. Proceeds of Bingo Games, Disposition. The entire net proceeds of a bingo game shall be devoted exclusively to the lawful charitable or educational purposes of the permitholder. An item of expense shall not be incurred or paid in connection with the holding, operating, or conducting of bingo except the following bona fide expenses in reasonable amounts.

- (a) The purchase or rental of equipment necessary for conducting bingo and payment of services reasonably necessary for the repair of equipment.
- (b) Payment of cash prizes or the purchase of prizes of merchandise.
- (c) Rental of the location at which bingo is conducted. Premises may only be rented from another permitholder.
- (d) Utilities.
- (e) Janitorial services.
- (f) The fee required for issuance or reissuance of a permit to conduct bingo.
- (g) Other reasonable expenses incurred by the permitholder, not inconsistent with this act, as permitted by rule of the sheriff.

SECTION X. Operation of Bingo.

(a) Bingo may not be conducted with any equipment which is not owned, being purchased, or being rented at a reasonable rate by the permitholder.

(b) Prizes given by any organization for the playing of bingo games shall not exceed \$1,800.00 in cash or gifts of equivalent value during any bingo session.

(c) A permitholder may not advertise bingo except to the extent and in the manner authorized by rule of the sheriff. If the sheriff allows a permitholder to advertise bingo, the permitholder shall indicate in the advertisement the purposes for which the net proceeds will be used by the permitholder.

(d) A permitholder shall display its bingo license conspicuously at the location where the bingo game is conducted.

(e) A permitholder shall conduct bingo games only at the single location specified in the permitholder's application.

(f) A permitholder shall not conduct more than one bingo session during any one calendar week and no session shall exceed five (5) hours.

(g) No person under the age of nineteen (19) years shall be permitted to play any game or games of bingo conducted pursuant to any permit issued under this law. No person under the age of nineteen (19) years shall be permitted to conduct or assist in the conduct of any game of bingo conducted pursuant to any permit issued this law.

SECTION XI. Administration, Rules. The sheriff by rule may regulate the holding, operation, or conducting of bingo, including the following:

- (a) The method of play and selection of winners.
- (b) The type of equipment to be used.

SECTION XII. Records of Permitholders. Each permitholder shall maintain the following records pertaining to each bingo session for at least three years from the date of the session.

- (a) A list signed by each bingo player prior to each bingo game stating the total amount paid in by said player.
- (b) An itemized list of gross receipts for each session.
- (c) An itemized list of all expenses, including the name of each person to whom the expenses are paid and a receipt or invoice for all of said expenses.

SECTION XIII. Records of Permitholders, Inspection.

(a) On or before April 15th of each year, each permitholder shall file with the sheriff a copy of the records required in Section XII, relating to the operation of bingo sessions in the previous calendar year plus a copy of the permitholders federal and state income tax returns. Said records and returns shall be open to inspection by any law enforcement agency.

(b) The records required to be kept by Section XII plus the federal and state income tax returns of the permitholder for the preceeding three years shall be open to inspection by the sheriff, any law enforcement agency, or their duly authorized representatives during reasonable business hours.

(c) The location at which bingo is being conducted or at which an applicant or permitholder intends to conduct bingo shall be open to inspection at all times by the sheriff or any law enforcement agency.

SECTION XIV. Revocation of Permits. The sheriff may suspend or revoke any permit issued pursuant to this act if the permitholder or any officer, director, agent, member or employee of the permitholder violates this act or rule promulgated hereunder.

SECTION XV. Suspension or Revocation of Permits.

(a) A permitholder whose permit is revoked in consequence of a violation of this act or a rule promulgated under this act is ineligible to apply for a permit for a period of one (1) year after the revocation.

(b) A person convicted of an offense under Section XVII or any other gambling offense is ineligible to serve as an officer of a permitholder or to participate in conducting bingo for a period of one (1) year after the conviction becomes final. If the person is licensed pursuant to this act, the person shall forfeit the permit and is ineligible to apply for the issuance or reissuance of the permit for a period of one (1) year thereafter.

(c) If the permit is suspended, in addition to other penalties which may be imposed, the sheriff may declare the violator ineligible to conduct a bingo game or apply for a permit under this act for a period not exceeding one (1) year.

(d) The permitholder shall return its permit to the sheriff on or before the effective date of a suspension, revocation, or forfeiture. Whether returned or not, the permit shall not be valid beyond the effective date of the suspension, revocation, or forfeiture.

SECTION XVI. Supervision by Circuit Court. The Circuit Courts of this state shall have jurisdiction to restrain or enjoin violations of this act.

SECTION XVII. Violations. Any person who violates the provisions of this act shall be guilty of a Class A misdemeanor.

SECTION XVIII. Forfeitures. Any device, equipment, record, money, or stakes used in any bingo game or operation in violation of the provisions of this act is contraband and may be seized and is forfeited. Property forfeited may be sold, destroyed, or retained for official use by the state or county law enforcement agencies as the Circuit Court directs.

SECTION XIX. Applicability of Other Laws, Penalties or Disabilities. Any other law providing a penalty or disability upon a person who conducts or participates in bingo games, who possesses equipment used in conducting bingo, who permits bingo to be conducted on his premises, or who does other acts in connection with bingo shall not apply to such conduct when done pursuant to this act or rules promulgated under this act.

SECTION XX. Severability. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

SECTION XXI. Conflict of Laws. All laws or parts of laws which conflict with this act are hereby repealed.

SECTION XXII. Effective and Operative Date. This act shall become effective upon the adoption of an amendment to the Constitution of Alabama of 1901 authorizing bingo within Montgomery County, but only if said amendment is approved by a majority of the voters casting ballots thereon in Montgomery County.

Yeas 6; Nays 0.

Yeas: Reps.: Dixon, Grouby, Holmes, Langford, McKee and Wyatt. —6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House.

H. 691. To create an additional judgeship for the Fifteenth Judicial Circuit of Alabama; to provide for the appointment of the first judge and the election of subsequent judges to fill this judgeship; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judge, and to render such judge liable to all the pains and penalties of other circuit judges in this state; to increase the number of circuit judges in the Fifteenth Judicial Circuit of Alabama to seven; to amend Section 12-17-20 of the 1975 Code of Alabama; to repeal all laws or parts of laws in conflict herewith, and to provide the effective date of this act.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Langford, the House non-concurred in the Senate amendment to the bill, H. 691, and requested a Committee on Conference be appointed on the disagreement of the two Houses, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To create an additional judgeship for the fifteenth judicial circuit in Alabama; to provide for the election of such judge and to designate that such additional judge shall serve as judge of the family relations division of the circuit; to prescribe the jurisdiction, powers, qualifications, duties and compensation of such judge; and to amend Section 12-17-20 of the Code of Alabama 1975, as amended, so as to provide for such judge.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created the office of circuit judgeship no. 7 of the fifteenth judicial circuit of Alabama, which shall be in addition to the judgeship of said circuit now existing. Such additional judge shall be elected at the general election in 1982 and every six years thereafter in the same manner as the other judges in such circuit are elected.

Section 2. The judge of said circuit judgeship no. 7 shall serve as a judge of the family relations division of the circuit and shall have and exercise all of the jurisdiction, powers, rights and authority and shall possess all of the qualifications and shall perform all the duties and shall generally be subject to all the pains, obligations and penalties as other circuit judges.

Section 3. The additional circuit judge provided for in this act shall receive the same salary, and supplements payable in the same manner, as the other circuit court judges in the fifteenth judicial circuit.

Section 4. Section 12-17-20 of the 1975 Code of Alabama is amended to read as follows:

§ 12-17-20. (a) Except as otherwise provided in this section, each judicial circuit of the state shall have one resident circuit judge.

"(b) In the following judicial circuits, there shall be the number of resident circuit judges listed below:

"(1) There shall be two circuit judges in the first judicial circuit. The judge occupying judgeship No. 1 shall be the presiding judge.

"(2) There shall be two circuit judges in the fourth judicial circuit. One of said judges shall be known as the presiding judge and the other as the associate judge.

"(3) There shall be three circuit judges in the fifth judicial circuit.

"(4) There shall be five circuit judges in the sixth judicial circuit.

"(5) There shall be four circuit judges in the seventh judicial circuit.

"(6) There shall be three circuit judges in the eighth judicial circuit.

"(7) There shall be two circuit judges in the ninth judicial circuit.

- "(8) There shall be 20 circuit judges in the tenth judicial circuit.
- "(9) There shall be two circuit judges in the eleventh judicial circuit.
- "(10) There shall be two circuit judges in the twelfth judicial circuit.
- "(11) There shall be nine circuit judges in the thirteenth judicial circuit.
- "(12) There shall be three circuit judges in the fourteenth judicial circuit.
- "(13) There shall be six seven circuit judges in the fifteenth judicial circuit. At least two judges shall be assigned to the criminal division of said circuit, and one or more judges shall be assigned to the civil division, in the discretion of the presiding judge.
- "(14) There shall be four circuit judges in the sixteenth judicial circuit.
- "(15) There shall be three circuit judges in the eighteenth judicial circuit.
- "(16) There shall be two circuit judges in the nineteenth judicial circuit.
- "(17) There shall be three circuit judges in the twentieth judicial circuit.
- "(18) There shall be two circuit judges in the twenty-second judicial circuit.
- "(19) There shall be six circuit judges in the twenty-third judicial circuit.
- "(20) There shall be two circuit judges in the twenty-fifth judicial circuit.
- "(21) There shall be two circuit judges in the twenty-sixth judicial circuit.
- "(22) There shall be two circuit judges in the twenty-seventh judicial circuit.
- "(23) There shall be two circuit judges in the twenty-eighth judicial circuit.
- "(24) There shall be two circuit judges in the twenty-ninth judicial circuit.
- "(25) There shall be two circuit judges in the thirtieth judicial circuit.
- "(26) There shall be two circuit judges in the thirty-first judicial circuit.
- "(27) There shall be two circuit judges in the thirty-second judicial circuit.
- "(28) There shall be two circuit judges in the thirty-seventh judicial circuit.
- "(29) There shall be two circuit judges in the thirty-eighth judicial circuit."

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 8; Nays 0.

Yeas:

Reps.: Clark (G), Cooley, Dixon, Grouby, Holmes, Langford, Whatley and Wyatt.

—8

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 489. To amend section 4 of Act No. 135 enacted at the 1978 Second Extraordinary Session of the Legislature of Alabama (Acts of 1978, p. 1868), §40-7-25.1, Code of Alabama 1975, which act was entitled "An Act to provide for the appraisal, for purposes of ad valorem taxation, by the State of Alabama and by counties, municipalities and other taxing authorities, of certain taxable property at its current use value and not at its fair and reasonable market value; to amend Sections 40-7-15, 40-7-25, and 40-7-35, Code of Alabama 1975; to prescribe criteria for ascertaining the current use value of eligible taxable property; to require that the owner of eligible taxable property request that such property be appraised at its current use value and to prescribe the contents of the application form to be used therefor; to provide for the treatment of such property in the assessment book prepared by each county tax assessor; to require the abstract of property prepared by each county tax assessor to include certain specified information; to provide for review of the decision of the county tax assessor denying a request for current use valuation of such property; to authorize the Department of Revenue to promulgate regulations regarding the determination of current use value; to provide for the computation and collection of additional taxes when taxable property assessed at its current use value is converted to a use not qualifying for such assessment; to provide that such additional taxes shall be a lien on such taxable property; and to provide an effective date for the act," so as to provide for the further definition of current use value of Class III property and to provide for methods of determining current use value on and after October 1, 1981 through the use of standard value formulas, to describe and set out those formulas, and to provide a mechanism for appeal of standard value determination with respect to individual parcels of Class III property.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Rep. Manley offered the motion that the House concur in and adopt the Senate amendment to the bill, H. 489, said Senate amendment being as follows:

Amend House Bill 489, as substituted and amended, page 6, line 34, by deleting the figures "15%" and substituting in lieu thereof the figures " 7 1/2%"

Amend House Bill 489, as substituted and amended, page 7, line 9, by adding two new sentences after the period on line 9, which read as follows:

"Any provision of this act to the contrary notwithstanding, no person shall be entitled to have more than 2,500 acres of forest property owned by him in each county of the state valued pursuant to the current use standard value method described hereinabove. The current use value of forest property in excess of 2,500 acres owned by any person in a county shall be determined by the tax assessor considering soil productivity or fertility, topography, susceptibility to flooding, rental value and other factors which may serve to determine value for timber production purposes, including any such factors that the Department of Revenue shall by regulation specify.

SUBSTITUTE MOTION TO NON-CONCUR TABLED

On motion of Rep. Manley, the substitute motion offered by Rep. Johnson (Roy) that the House non-concur in the Senate amendment to the bill, H. 489, and request a Committee on Conference, was tabled.

Yeas 60; Nays 20.

Yeas:

Mr. Speaker, Adams (H), Barton, Biddle, Blake, Brakefield, Campbell, Carter, Cates, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Jackson, Kelley, Laird, Letson, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Owens, Pegues, Penry, Ray, Reed, Riddick, Sasser, Shavers, Shoemaker, Smith (J), Starkey, Turner, Turnham, Venable, Ward, Warren, Whatley, Willis and Wyatt.

—60

Nays:

Reps.: Adams (C), Albright, Amari, Bennett, Cabaniss, Carothers, Drinkard, Ford, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Langford, Moore, Parker, Patton, Rains, Stewart, Tucker and Waggoner.

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REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 315. HONORING MR. EDMOND BURK HICKMAN, DIRECTOR OF THE DOTHAN HIGH SCHOOL BAND.

Also:

H. J. R. 323. COMMENDING THE CHILTON COUNTY WATER AND FIRE PROTECTION AUTHORITY.

Also:

H. J. R. 324. CONGRATULATING AND COMMENDING MISS JENNIFER HENDERSON OF FORT DEPOSIT, LOWNDES COUNTY, ALABAMA.

Also:

H. J. R. 325. COMMENDING MRS. IRENE J. WARE, MANAGER OF WGOK-RADIO IN MOBILE, ALABAMA.

Also:

H. J. R. 326. COMMENDING SERGEANT MAJOR LEON L. DILLINGHAM FOR DISTINGUISHED MILITARY SERVICE.

Also:

H. J. R. 332. COMMENDING ALABAMA CHRISTIAN COLLEGE AND COACH JON HAZELIP FOR THEIR THIRD PLACE FINISH IN THE NATIONAL LITTLE COLLEGE BASKETBALL TOURNAMENT.

Also:

H. J. R. 333. COMMENDING J. F. INGRAM STATE TECHNICAL INSTITUTE IN DEATSVILLE, ALABAMA, AND DR. MURRY C. GREGG FOR THEIR EFFORTS IN REHABILITATING PRISONERS.

Also:

H. J. R. 334. HONORING DR. SANFORD DIXON BISHOP UPON HIS RETIREMENT AS PRESIDENT OF S. D. BISHOP STATE JUNIOR COLLEGE IN MOBILE, ALABAMA.

And finds same correctly enrolled.

JACK BIDDLE, III
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill and Senate Joint Resolution, your signature thereto is requested:

S. J. R. 174. MOURNING THE DEATH OF MR. FLOYD TATE OF BOAZ, ALABAMA.

Also:

S. 461. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL AND SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill and Senate Joint Resolution, the titles of which are set out in the above and foregoing Message from the Senate.

H. 489 RESUMED

SUBSTITUTE MOTION TO NON-CONCUR TABLED

On motion of Rep. Manley, the substitute motion offered by Rep. Albright that the House non-concur in the Senate amendment to the bill, H. 489, and request a Committee on Conference, was tabled.

Yeas 54; Nays 33.

Yeas:

Mr. Speaker, Adams (H), Barton, Biddle, Blake, Brakefield, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cooley, Cosby, Daniels, Dial, Dixon, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (T), Harvey, Holley, Kelley, Laird, Letson, McMillan, Manley, Minus, Mitchell, Naramore, Owens, Pegues, Penry, Ray, Reed, Sasser, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Stout, Turner, Venable, Warren, Whatley, Willis and Wyatt.

—54

Nays:

Reps.: Adams (C), Albright, Amari, Bennett, Buskey, Cabaniss, Clark (W), Coburn, Crow, Drinkard, Escott, Ford, Hall, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Lewis, McKee, Moore, Parker, Patton, Rains, Riddick, Smith (C), Stewart, Tucker, Turnham and Waggoner.

—33

AMENDMENT ADOPTED

On motion of Rep. Manley, the House concurred in and adopted the Senate amendment to the bill, H. 489, said amendment being set out in the above and foregoing Message from the Senate.

Yeas 61; Nays 23.

Yeas:

Mr. Speaker, Adams (H), Barton, Bennett, Blake, Bowling, Brakefield, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Coburn, Cooley,

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Cosby, Crow, Daniels, Dial, Dixon, Edwards, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (T), Harvey, Holley, Johnson (Roy), Kelley, Laird, Letson, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Owens, Pegues, Penry, Ray, Reed, Riddick, Sasser, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Stout, Trammell, Turner, Turnham, Venable, Warren, Willis and Wyatt.

—61

Nays:

Reps.: Adams (C), Albright, Amari, Buskey, Cabaniss, Clark (W), Drinkard, Escott, Ford, Gafford, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Kennedy, Langford, Moore, Parker, Patton, Rains, Stewart and Waggoner.

—23

And the bill, H. 489 as thus amended, was again read at length and passed.

Yeas 60; Nays 31.

Yeas:

Mr. Speaker, Adams (H), Barton, Blake, Bowling, Brakefield, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cooley, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Kelley, Laird, Letson, McMillan, Manley, Minus, Mitchell, Naramore, Owens, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Stout, Turner, Venable, Warren, Whatley, Williams, Willis and Wyatt.

—60

Nays:

Reps.: Adams (C), Albright, Amari, Bennett, Buskey, Cabaniss, Clark (W), Coburn, Drinkard, Escott, Ford, Gafford, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Lewis, McKee, Moore, Olive, Parker, Patton, Seibels, Stewart, Trammell, Tucker and Waggoner.

—31

COMMITTEES APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House on the disagreement of the two Houses on the Senate amendment to the bill, H. 691, Reps. Langford, Holmes and Wyatt.

The Speaker appointed as a Committee on Conference on the part of the House on the disagreement of the two Houses on the Senate amendment to the bill, H. 911, Reps. Langford, Holmes and Wyatt.

The Speaker appointed as a Committee on Conference on the part of the House on the disagreement of the two Houses on the Senate amendment to the bill, H. 912, Reps. Langford, Dixon and Wyatt.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Coburn:

H. R. 340. COMMENDING COACH BOB LAXTON OF DESHLER HIGH SCHOOL, TUSCUMBIA, ALABAMA.

Also:

The following resolutions were introduced:

By Rep. Sasser:

H. J. R. 341. MOURNING THE DEATH OF MR. ARTHUR B. ROBERTSON OF CLAYTON, ALABAMA.

WHEREAS, the Legislature of Alabama has been grievously saddened by the untimely death of Arthur B. Robertson of Clayton, Alabama, on April 29, 1981, at the age of 59; and

WHEREAS, a prominent Clayton attorney, Mr. Robertson was a graduate of the University of Alabama and of the University's School of Law; he was a member of the Board of Bar Commissioners, Chairman of the Alabama Bar Association Disciplinary Commission, and was a second vice president of the State Bar; and

WHEREAS, Mr. Robertson served the City of Clayton in mayoral capacity from 1964 until 1980; he also was a former city attorney and had served as a member of the Barbour County Board of Revenue; and

WHEREAS, Mayor Robertson was a veteran of World War II, receiving both the Silver Star and the Bronze Star in commendation of his combat service; he further served with honor during the Korean Conflict as a Captain in the United States Army; and

WHEREAS, as an Alabamian of achievement, he was held in high regard by his professional peers and had earned the gratitude and affection of the citizens of Clayton and Barbour County whose interests he long served in responsible concern for the welfare and betterment of his community; and

WHEREAS, Arthur B. Robertson was a longtime and faithful member of the Clayton Baptist Church, a member of the Clayton Rotary Club, and a member of Sigma Nu Fraternity who "walked in the way of honor and served in the light of truth"; now therefore.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Arthur B. Robertson of Clayton, Alabama, and extend our most heartfelt sympathy to his family.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his wife, Mrs. Mozelle Robertson, his mother, Mrs. Minnie Robertson, his daughter Lynn and sons, Arthur B., III, and John F. Robertson, that they and other family members may know of our shared sorrow in their great loss.

On motion of Rep. Sasser, the rules were suspended and the resolution, H. J. R. 341, was adopted.

Also:

By Rep. Patton:

H. R. 342. STATING THE HOUSE OF REPRESENTATIVES POSITION ON THE IMPROVEMENT OF STATE CORRECTIONAL FACILITIES.

WHEREAS The Alabama House of Representative recognizes that crime and delinquency has become the number one concern of the citizens of Alabama, and

WHEREAS this governing body has responded to this concern by passing many laws which call for stiffer penalties and swifter justice for both adult and juvenile offenders, and

WHEREAS We recognize that our jails and detention centers are overcrowded and that our local governments are under a financial strain by housing state and juvenile offenders, and

WHEREAS both adult and juvenile correctional facilities are inadequate and over-crowded, and

WHEREAS, The new oil and gas lease monies give us an opportunity to respond to our citizens by improving our correctional facilities and getting both the juvenile and adult offender off the streets,

NOW THEREFORE BE IT RESOLVED, That the Alabama House of Representatives hereby declares its first priorities for Capital outlay to be the expansion and improvement of the State adult and juvenile correctional facilities.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Patton offered the motion to suspend the rules and adopt the resolution, H. R. 342.

DIVISION OF THE QUESTION

Rep. Biddle called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Patton to suspend the rules in order to take up for immediate consideration the resolution, H. R. 342, and the motion was lost.

Yeas 31; Nays 42.

Yeas:

Reps.: Adams (H), Albright, Barton, Bedsole, Blake, Bowling, Carothers, Carter, Coburn, Cooley, Ford, Goodwin, Greer, Hall, Harper (O), Harvey, Johnson (R. G.), Kelley, Letson, McKee, Minus, Olive, Patton, Ray, Roberts, Shavers, Smith (C), Smith (J), Starkey, Whatley and Willis.

—31

Nays:

Mr. Speaker, Adams (C), Biddle, Boles, Brakefield, Buskey, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Crow, Dial, Dixon, Drinkard, Gafford, Grimsley, Holley, Holmes, Horn, Howard, Kennedy, Langford, Lewis, McMillan, Manley, Moore, Owens, Parker, Payne, Pegues, Penry, Sasser, Seibels, Shoemaker, Smith (M), Stewart, Trammell, Turner, Turnham, Waggoner and Wyatt.

—42

The resolution, H. R. 342, was read and referred to the Standing Committee on Rules.

Also:

By Reps. Dixon and Holmes:

H. J. R. 343. ENDORSING AND SUPPORTING THE MONTGOMERY CHAPTER OF THE AMERICAN EX-PRISONERS OF WAR, INCORPORATED, AND URGING ALL ALABAMIANS TO ASSIST EX-PRISONERS OF WAR.

WHEREAS, many former American prisoners of war who were captured or interned by the enemy have united to form a local chapter of the American Ex-Prisoners of War, Incorporated; and

WHEREAS, this chapter will seek to foster and promote patriotism and loyalty, maintain allegiance to the United States, preserve and defend the United States from all enemies and to encourage fraternity among participating members; and

WHEREAS, the people of this great country owe an overwhelming debt of gratitude to all former prisoners of war for their service and suffering for the cause of freedom; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby officially endorse and support the Montgomery Chapter of the American Ex-Prisoners of War, Incorporated, and urge all Alabamians to assist ex-prisoner of war.

RESOLVED FURTHER, That the Clerk of the House of Representatives send a copy of this resolution to the Secretary of the Montgomery Chapter of the American Ex-Prisoners of War.

On motion of Rep. Dixon, the rules were suspended and the resolution, H. J. R. 343 was adopted.

Also:

By Reps. Dixon and Holmes:

H. J. R. 344. DECLARING NOVEMBER 11, 1981, "VIET NAM VETERANS DAY" IN THE STATE OF ALABAMA.

WHEREAS, a blot upon our nation's history and a stain that yet remains is our shameful disregard for those loyal Americans who served in combat in Viet Nam; and

WHEREAS, during the Viet Nam era, almost three million American men and women of our armed forces served the cause of freedom in selfless dedication and in courage; and

WHEREAS, of that number, some 55,000 brave Americans lost their lives in combat, many other thousands were wounded in battle and 12 to 14,000 of our countrymen were missing in action; and

WHEREAS, almost six years after Viet Nam, our nation triumphantly and befittingly heralded the return of the American hostages from Iran, a welcome sharp in contrast with the homecoming of our Viet Nam veterans, but an event which at last brought to mind our debt unpaid to those who served in sacrifice during Viet Nam; and

WHEREAS, the recent April 26, Viet Nam Veterans Day, belatedly so designated by the United Congress, passed almost unnoticed in our state and nation; and

WHEREAS, there are approximately 12,000 veterans of Viet Nam now residing in Alabama and it is deemed fitting by this body that we appropriately honor these gallant Americans and all those with whom they served; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That November 11, 1981, National Veterans Day, is hereby also designated Viet Nam Veterans Day in Alabama, and we urge all our citizens to join us in honor and recognition of the courageous veterans of Viet Nam.

On motion of Rep. Dixon, the rules were suspended and the resolution, H J. R. 344, was adopted.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

H. 940 POSTPONED

On motion of Rep. Brakefield, the bill, H. 940, was postponed to the twenty-eighth legislative day.

H. 941 POSTPONED

On motion of Rep. Brakefield, the bill, H. 941, was postponed to the twenty-eighth legislative day.

And the bill:

S. 572. To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Limestone County; and to provide for the expenditure of the funds in the office of the judge of probate.

Was read a third time at length and passed.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Carter, Cates, Cheatwood, Clark (G), Cosby, Crow, Dial, Edwards, Ford, Goodwin, Greer, Grouby, Harvey, Horn, Kelley, Lewis, McKee, McMillan, Manley, Mitchell, Moore, Olive, Owens, Parker, Pegues, Penry, Roberts, Seibels, Shavers, Shoemaker, Smith (J), Stewart, Turner, Venable, Waggoner, Ward, Whatley and Willis.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1044. Relating to Choctaw County; to provide for an additional expense allowance for the poll workers of said county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill:

H. 1046. Proposing an amendment to the Constitution of Alabama relating to the abolition of the offices of Tax Assessor and Tax Collector in Barbour County and for the consolidation of the duties of said offices into a new office; and validating any acts of the Legislature enacted prior to the adoption of this amendment relating to such subject.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill:

H. 1047. To alter, rearrange, and extend the boundary lines and corporate limits of the Town of Clio, Barbour County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill:

H. 1048. To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Barbour County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill:

H. 1049. To relate to Barbour County; to provide for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, and repealing conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard,

Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill:

H. 1050. To authorize the Barbour County Commission to provide clerical employees to work in the office of the Tax Assessor or Tax Collector.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill:

H. 1051. Relating to Barbour County; to regulate further the compensation of the board of registrars of the county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill:

H. 1055. Relating to Perry County; levying an additional privilege or license tax upon sellers, distributors or users of malt or brewed beverages; providing for the distribution of the proceeds of the tax; and providing for the termination of such tax.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Tammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill:

H. 1056. Relating to Escambia County; creating a county jury commission; providing for the appointment of the members and clerks thereof, and for their qualifications, duties, compensation, and tenure and repealing Act No. 515, H. 1267, Regular Session 1976 (Acts 1976, p. 658).

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill:

H. 1062. To alter or rearrange the boundary lines of the Town of Webb, Houston County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Houston County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill:

H. 1071. To provide for a special recording fee of \$1.50, in addition to all existing recording fees and charges, for each certain documents hereafter filed for record in the office of the Judge of Probate of Bibb County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill:

H. 1072. To amend Section 1 of Act No. 80-376, H. 938, 1980 Regular Session (Acts 1980, p. 497), dealing with the performance of work by county personnel on private property to provide explicitly that such work may include the opening and closing of graves.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley,

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Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill:

H. 1073. Relating to Bibb County; to amend section 4 of Act No. 722, H. 1708, Regular Session 1973 (Acts 1973, p. 1079), relating to assessment of certain property for fire protection services, so as to provide an exemption for certain persons, and to provide for retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill:

H. 1074. Relating to the Board of Registrars of Bibb County; providing further for additional compensation for members of such board, payable from the county general fund.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill:

H. 1076. To repeal Act No. 409, S. 541 approved July 17, 1931, Regular Session 1931 (Acts 1931, p. 182), as amended, entitled "To provide for the quarterly publication by the court of County Commissioners, board of revenue or like governing body of Limestone County, Alabama, of an itemized account of all receipts and expenditures of said Limestone County, and to provide penalty for failure to observe this law."

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

CO-SPONSOR ADDED

Rep. Smith (J) was added as co-sponsor to the bill, H. 1076.

And the bill:

H. 1077. To authorize the Cherokee County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill:

H. 1078. To authorize the Lowndes County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill:

H. 1082. Relating to Washington County, to provide for an advisory referendum on the question of the method of electing county commissioners.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill:

H. 1085. Relating to the Twenty-ninth Judicial Circuit; to authorize the district attorney to provide one clerk-secretary to serve the grand juries of said circuit and to prescribe the duties of such clerk-secretary.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill:

H. 1089. Relating to Wilcox County; to provide for the further compensation of election officials.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill:

H. 1091. An Act relating to Geneva County; providing the County governing body may supplement the salary of the District Judge from the County General Fund up to Five Thousand Dollars (\$5,000.00) per annum.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley,

Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

PERMISSION GRANTED

Permission was granted for the Journal to show Rep. Hall voting "Yea" on all local bills.

And the bill:

H. 1110. Relating to Bullock County; to give the county commission certain powers and authority in regard to performing road related services upon private property for a fee and selling road construction materials to churches, persons, firms or corporations; setting the conditions under which such work can be done and road construction materials sold; and establishing the procedure governing work on private property or sales of said materials to churches, individuals, firms or corporations.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill:

H. 1112. Relating to Bullock County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail of any such county; and to provide penalties for violations.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard,

Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill:

H. 904. To alter or rearrange the boundary lines of the Town of Creola, Mobile County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Mobile County, Alabama; to provide for assessing for ad valorem taxation the property added to the Town of Creola when certain services are rendered to the property owners and persons residing therein or are made available to them; to describe the services to be rendered and to exempt from taxation property added to the Town of Creola by the extension of its boundaries when such services are not available or rendered.

Was taken up.

AMENDMENT OFFERED

Rep. Turner offered the following amendment to the bill, H. 904:

On page 4, after line 18, add the following language:

Notwithstanding any provision of this act or any legal description within this section, Sections 14 and 15 in their entirety are specifically excluded from the operation of this act.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill, H. 904, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campb^{er}

REGULAR SESSION
27th Day

1901

Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Veneable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill:

H. 968. To amend the title and sections 1 and 2 of Act No. 80-648, H. 931, 1980 Regular Session (Acts 1980, p. 1235), which authorizes and makes provisions for the incorporation in any Class 1 municipality as so designated by section 11-40-12 of the Code of Alabama 1975 (being a city with a population of 300,000 or more inhabitants as certified by the 1970 federal decennial census) of Commercial Development Authorities for the purpose of promoting trade and commerce, so as also to provide for the incorporation of such authorities in any Class 2 municipality as so designated by section 11-40-12 of the Code of Alabama 1975 (being a city with a population of not less than 175,000 and not more than 299,999 inhabitants as certified by the 1970 federal decennial census, and/or any Class 3 municipality (being a city with a population of not less than 100,000 and not more than 174,999 inhabitants).

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill:

H. 1063. Relating to Mobile County, to provide that the Board of Registrars of Mobile County shall not register any person as a qualified elector within 15-days prior to any election.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell,

Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

H. 1086 POSTPONED

On motion of Rep. Bedsole, the bill, H. 1086, was postponed to the twenty-eighth legislative day.

And the bill:

H. 1030. Proposing an amendment to the Constitution of 1901, amending Amendment No. 218 to the Constitution of 1901, relating to the special school tax based on the taxable property in the school tax district of the City of Huntsville so as to remove certain restrictions on the use of the proceeds therefrom and allow such proceeds to be expended for any public school purposes within the said district; and providing for a referendum and effective date therefor.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—78

Nays: Reps. Smith (J) and Riddick.

—2

And the bill:

H. 955. To amend Section 2 of Act No. 79-505 of the 1979 Regular Session of the Alabama Legislature which provides for an increase in compensation of certain county officials, in regard to the effective date of such increases.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

REGULAR SESSION
27th Day

1903

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill:

H. 1070. (With Substitute) (With Amendment): To alter, rearrange and extend the boundary lines and corporate limits of the municipality of NEW HOPE IN MADISON COUNTY, ALABAMA.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 4, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of New Hope in Madison County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of New Hope in Madison County, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

The Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) and the East one-half (E $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 32, Township 5 South, Range 2 East in Madison County, Alabama.

The Southwest Quarter (SW $\frac{1}{4}$) and the Southeast Quarter (SE $\frac{1}{4}$) of Section 33, Township 5 South, Range 2 East in Madison County, Alabama.

The Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), the South one-half (S $\frac{1}{2}$) of the North one-half (N $\frac{1}{2}$), and the South one-half (S $\frac{1}{2}$) of Section 5, Township 6 South, Range 2 East in Madison County, Alabama.

The North one-half (N $\frac{1}{2}$) of the North one-half (N $\frac{1}{2}$) of Section 4, Township 6 South, Range 2 East in Madison County, Alabama.

The North one-half (N $\frac{1}{2}$) of Section 8, Township 6 South, Range 2 East in Madison County, Alabama.

The South one-half (S $\frac{1}{2}$) of the North one-half (N $\frac{1}{2}$) of Section 9, Township 6 South, Range 2 East in Madison County, Alabama.

The South one-half (S ½) of the South one-half (S ½) of Section 10, Township 6 South, Range 2 East in Madison County, Alabama.

The South one-half (S ½) of the South one-half (S ½) of Section 11, Township 6 South, Range 2 East in Madison County, Alabama.

All of Section 15, Township 6 South, Range 2 East in Madison County, Alabama.

All of Section 14, Township 6 South, Range 2 East in Madison County, Alabama.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 4, said committee amendment being as follows:

Amend Substitute for H. B. 1070 as follows:

On page 2, line 24, after the period add:

Provided, however, the judge of probate shall call an election on the question of annexation at the next general or special election. If a majority of the qualified electors residing within the territory to be annexed voting thereon shall vote in favor of the question, the provisions of this Act shall become effective immediately upon proper certification of the election results.

And the amendment was adopted.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer,

Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill:

H. B. 1070. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of New Hope in Madison County, Alabama.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gifford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill:

S. 509. Relating to Blount County; providing for the method of electing the county superintendent of education.

Was read a third time at length and passed.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill:

S. 589. Relating to Marshall County; to provide for an increase in salary for the members of the board of equalization of said county.

Was read a third time at length and passed.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill:

S. 590. Relating to Marshall County; to provide for an increase in salary for the members of the jury commission of said county.

Was read a third time at length and passed.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill:

S. 597 (With Amendment): Relating to Marshall County; to provide that the county commission may levy and collect a severance tax on coal at a rate established by such county commission; to provide that such tax shall be in addition to any state severance tax; to provide how the funds from such tax shall be expended; to provide for the collection of such severance tax; and to repeal conflicting laws.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend S. B. 597 on page 1, line 22 by deleting the words "and collect."

And the amendment was adopted.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill, S. 597 as thus amended, was read a third time at length and passed.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill:

H. 1057. Relating to Lamar County; to amend Sections 1 and 2 of Act No. 80-518, H. 1051 of the 1980 Regular Session (Acts 1980, p. 798), so as to provide further for the compensation and expense allowances of certain members of the county commission.

Was taken up.

AMENDMENT OFFERED

Rep. Gilmer offered the following amendment to the bill, H. 1057:

Amend H. B. 1057, page 1, Section "2", beginning line 33 by striking the word excluding and inserting in lieu thereof the word including

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill, H. 1057, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill:

H. 1058. Relating to Lamar County; providing certain compensation and expense allowances for the county superintendent of education.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

REGULAR SESSION
27th Day

1909

And the bill:

H. 1060. Relating to Jackson County; providing that the county commission may provide additional compensation for poll officials in an amount up to \$10 per day from the county general fund.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill:

H. 1065. To amend Section 17-4-138, Code of Alabama 1975, so as to provide additional office space and clerical help for the board of registrars and to authorize the placement of voting machines in the board's offices.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill:

H. 1066. Relating to Blount County; providing further for additional levy of court costs and the collection and distribution of such court costs, on the service of certain court papers or documents arising out of any civil or criminal action, instituted outside the state of Alabama, whether at law or equity; and prescribing that all revenue thereby generated shall be deposited into the "Sheriff's Department Fund" of the county general fund.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill:

H. 1067. Relating to Blount County; providing further for levying additional court costs, and the collection and distribution of such court costs, on the service of all court papers or documents arising out of civil or quasi-civil action at law or equity; and designating the authorized expenditure from the revenue thereby generated.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill:

H. 1068. Relating to Blount County; providing further for additional levy of court costs, and the collection and distribution of such court costs, in any case, upon conviction of a misdemeanor or felony; and designating the funds thereby generated for the maintenance and supervision of the county jail building.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill:

H. 1075. (With Amendment): Relating to Morgan County; amending Act No. 190, H. 742, 1977 Regular Session (Acts 1977, p. 258), which provides that the county may make contributions to volunteer fire departments, so as to provide further for said contributions.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend House Bill 1075, Section 1, Page 1, after the period on line 28 by adding the following.

A financial statement as of the last day of the fiscal year shall be filed promptly with the Commission. No funds on hand at the end of any fiscal year and no invoices evidencing funds expended during that year may be used for matching funds in any succeeding fiscal year.

And the amendment was adopted.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill, H. 1075, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

PERMISSION GRANTED

Permission was granted for the Journal to show Rep. Cooley voting "Yea" on the bill, H. 1075 as amended:

And the bill:

H. 1080. Relating to Etowah County; prescribing that the county governing body may allow volunteer rescue squads, volunteer fire departments, certain retired senior citizen volunteer organizations, and certain other charitable foundations, agencies and organizations which perform a valuable public service, governmental in nature, (a) to buy gasoline and other motor fuels at the county cost and exempt from any motor fuel tax; and (b) to have repairs made on its equipment by the county at the county's cost; and declaring legislative intent therefor.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill:

H. 1083. To propose an amendment to the Alabama Constitution of 1901, to allow the county commission of Lauderdale County to combine the offices of tax assessor and tax collector of such county effective September 30, 1984.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

REGULAR SESSION
27th Day

1913

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill:

H. 1084. Relating to Lauderdale County; to allow the county commission to combine the offices of tax assessor and tax collector of said county effective September 30, 1984.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill:

H. 1087. Relating to Tuscaloosa County; providing further for the compensation of certain county and city officers.

Was taken up.

AMENDMENT OFFERED

Rep. Johnson (Roy) offered the following amendment to the bill, H. 1087:

On page one, lines 16 and 25 and 26 delete the words: “, other than the probate judge,”

On page two, delete Section 7 in its entirety and renumber subsequent sections accordingly.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill, H. 1087, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill:

H. 1088. Relating to Tuscaloosa County; levying an additional privilege license tax on malt or brewed beverages; providing for the collection and distribution of the proceeds of such tax; and providing for the administration and enforcement of this act including fines for violations; repealing certain conflicting laws; and providing a retroactive effective date.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

REGULAR SESSION
27th Day

1915

And the bill:

H. 1092. Relating to Tuscaloosa County; amending Act No. 80-536, H. 73, 1980 Regular Session (Acts 1980, p. 835), which provides overtime compensation for certain law enforcement officers, so as to provide further for said officers and to provide for its retroactive effect.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—79

And the bill:

H. 1096. Relating to Morgan County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—81

And the bill:

H. 1097. Relating to Morgan County; to amend the Title and Section 1 of Act 80-422, 1980 Regular Session (Acts 1980, p. 584), so as to require the mailing address of the grantors and grantees of real property deeds.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—81

And the bill:

H. 1107. Relating to Morgan County; further regulating the compensation of the Clerk of the jury commission for the county, payable from the county general fund.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—80

And the bill:

H. 1108. Relating to Morgan County; further regulating the compensation of the chairman of the county board of registrars, so as to provide further for such compensation.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard,

Johnson (R. G.), Johnson (Roy), Kelley, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—80

And the bill:

H. 1101. Relating to Morgan County; providing further for the expense allowances of the chairman and members of the county commission, payable from the county general fund; and providing further for such compensation.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—80

And the bill:

H. 1102. Relating to Morgan County; to provide a certain salary for the superintendent of education in said county which shall be in lieu of all other salaries and expense allowances heretofore provided by law for said superintendent.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—80

And the bill:

H. 1103. Relating to the 8th Judicial Circuit; providing an additional expense allowance for the circuit court clerk payable from the general fund of the county in such circuit.

Was taken up.

AMENDMENT OFFERED

Rep. Roberts offered the following amendment to the bill, H. 1103:

Amend H. B. 1103 on page 1, Section 2, lines 25-30 by striking Section 2 in its entirety and renumbering subsequent Sections accordingly.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—80

And the bill, H. 1103, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—80

And the bill:

H. 1104. Relating to the 8th Judicial Circuit; to provide a salary increase to each court reporter; and to provide further for such compensation.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

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Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Willis and Wyatt.

—80

And the bill:

H. 1105. (With Amendment): Relating to Morgan County; providing further for the expense allowances and compensation of the revenue commissioner and license commissioner of the county, payable from the county general fund, so as to provide an additional expense allowance and providing further for such compensation.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 1105 on page 1, Section 1, lines 25-27 by striking the following:

, and on October 1, 1982, each commissioner shall have such expense allowance increased by an additional \$3,750 per annum

AMENDMENT TABLED

On motion of Rep. Patton, the amendment reported by the Standing Committee on Local Legislation No. 1 to the bill, H 1105, was tabled.

Yeas 4; Nays 1.

Yeas: Reps.: Letson, Patton, Rains and Roberts. —4

Nays: Rep. Cooley. —1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Patton offered the following amendment to the bill, H. 1105:

Amend H. B. 1105, Synopsis, line 15 after the word and by striking license commissioner and adding in lieu thereof the words Commissioner of Licenses

Further amend H. B. 1105, page 1, Section 1, line 22 after the word "and" by striking license commissioner and inserting in lieu thereof the words Commissioner of Licenses;

Further amend H. B. 1105, page 1, Section 2, line 32 by striking the words license commissioner and inserting in lieu thereof the words Commissioner of Licenses

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 4; Nays 1.

Yeas: Reps.: Albright, Letson, Patton and Roberts. —4

Nay: Rep. Cooley. —1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1105. Relating to Morgan County; providing further for the expense allowances and compensation of the revenue commissioner and Commissioner of Licenses of the county, payable from the county general fund, so as to provide an additional expense allowance and providing further for such compensation.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 7; Nays 0.

Yeas:

Reps.: Cooley, Greer, Letson, Olive, Patton, Roberts and Turner.

—7

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1106. Relating to Morgan County; providing further for an additional expense allowance, payable from the general fund of the county treasury, for the county coroner; and providing further for such compensation.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 4; Nays 0.

Yeas: Reps.: Cooley, Letson, Patton and Roberts.

—4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES

Rep. Waggoner offered the motion to suspend the rules in order to take up out of order the bill, H. 1024.

SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Tucker to suspend the rules in order to take up out of order the bill, H. 951, was lost, lacking a four-fifths vote.

Yeas 14; Nays 5.

Yeas:

Reps.: Amari, Bennett, Biddle, Cabaniss, Escott, Horn, Jackson, Lewis, Moore, Nevett, Payne, Seibels, Trammell and Waggoner.

—14

Nays: Reps.: Boles, Cheatwood, Gafford, Olive and Tucker.

—5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Waggoner to suspend the rules in order to take up out of order the bill, H. 1024, and the motion was lost, lacking a four-fifths vote.

Yeas 12; Nays 6.

Yeas:

Reps.: Amari, Bennett, Biddle, Cabaniss, Gafford, Howard, Lewis, Moore, Payne, Seibels, Trammell and Waggoner.

—12

Nays: Reps. Cheatwood, Escott, Horn, Jackson, Nevett and Tucker.

—6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Howard, the rules were suspended in order to take up out of order the bill, H. 843.

Yeas 17; Nays 3.

Yeas:

Reps.: Amari, Bennett, Biddle, Boles, Cabaniss, Cheatwood, Horn, Howard, Johnson (R. G.), Lewis, Moore, Nevett, Olive, Payne, Seibels, Trammell and Waggoner.

—17

Nays: Reps.: Escott, Jackson and Tucker.

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 843. (With Amendment): To grant to the City of Bessemer the right to demolish unsafe buildings; and to provide further for the following: The procedure for a determination of the ownership of the real property or building and notice of a hearing; the procedure for holding the hearing before the city governing body; the procedure for appeal to the circuit court; the right of the city to obtain a lien for the cost of demolition; the authority to assess against property sold to the State of Alabama for taxes; the method of collection of assessments.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

Amend H. .B 843, page 4, section 4, line 31, by striking after the word "the" the following:

:cith:

and inserting in lieu thereof the following:

"city"

And the amendment was adopted.

Yeas 16; Nays 0.

Yeas:

Reps.: Amari, Biddle, Boles, Cabaniss, Cheatwood, Gafford, Howard, Lewis, Moore, Nevett, Olive, Payne, Seibels, Trammell, Tucker and Waggoner.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 843, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

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Yeas 17; Nays 0.

Yeas:

Reps.: Amari, Bennett, Biddle, Boles, Cabaniss, Cheatwood, Gafford, Horn, Howard, Lewis, Moore, Nevett, Olive, Payne, Seibels, Trammell and Waggoner.

—17

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Horn to suspend the rules in order to take up out of order the bill, H. 707, was lost, lacking a four-fifths vote.

Yeas 7; Nays 6.

Yeas:

Reps.: Bennett, Cabaniss, Escott, Horn, Jackson, Nevett and Seibels.

—7

Nays:

Reps.: Cheatwood, Olive, Payne, Trammell, Tucker and Waggoner.

—6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Bennett to suspend the rules in order to take up out of order the bill, H. 550, was lost.

Yeas 9; Nays 9.

Yeas:

Reps.: Bennett, Cabaniss, Escott, Hall, Howard, Jackson, Nevett, Seibels and Waggoner.

—9

Nays:

Reps.: Amari, Boles, Cheatwood, Horn, Lewis, Olive, Payne, Trammell and Tucker.

—9

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

RULE SUSPENDED

On motion of Rep Moore, Rule 4(4) was suspended to permit the bill, H. 1035, being other than a local or general bill of local application, to be sent to the Senate.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bennett, Biddle, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Cosby, Daniels, Dial, Escott, Gafford, Hall, Hammett, Harper (O), Holley, Howard, Johnson (R. G.), Johnson (Roy), Lewis, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Pegues, Rains, Riddick, Seibels, Shoemaker, Smith (C), Trammell, Venable and Ward.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1035. Relating to advertising by grocery stores, food retailers or soft drink bottlers, so as to permit certain contests where consideration is not mandatory for the participant.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bennett, Biddle, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Crow, Daniels, Drinkard, Edwards, Escott, Ford, Gafford, Grimsley, Hall, Hammett, Harper (O), Harvey, Holley, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Laird, Letson, Lewis, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Pegues, Rains, Reed, Riddick, Seibels, Shoemaker, Smith (C), Smith (M), Trammell, Venable, Waggoner and Williams.

—61

Nay: Rep. Gilmer.

—1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House.

H. J. R. 337. RELATIVE TO MEETING DAYS OF THE LEGISLATURE.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 909. To authorize the governing body of Lee County, Alabama, to levy and collect special county privilege and license taxes, generally paralleling the state sales taxes provided for in Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, and special county excise taxes generally paralleling the state use taxes provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; to specify the rates at which such taxes may be levied; to provide for the ascertainment, collection, payment distribution and use of the proceeds of the said taxes if levied by the said governing body, and for the enforcement of this act by the State Department of Revenue; to specify the maximum duration for which any such taxes may be levied; and to prescribe penalties and fix punishment for violations of this act.

Also:

H. 668. Relating to Shelby County; amending Act No. 80-408, H. 809, 1980 Regular Session (Acts 1980, p. 567), which provides for voter reidentification in Shelby County, so as to extend the time limit, provide for the compensation of the board of registrars and to make certain provisions of this Act retroactive to the date of the original Act No. 80-408, viz May 8, 1980.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

And the bill:

H. 842. To amend Section 36-22-16 of the Code of Alabama 1975, to provide for the compensation of the sheriffs of the several counties in this state.

Was taken up.

AMENDMENT OFFERED

Rep. Dial offered the following amendment to the bill, H. 842:

Amend H. B. 842, Section 1, on line 23, by striking the following:
the several

and by adding in lieu thereof the following:

Morgan and Marshall

AMENDMENT TABLED

On motion on Rep. Kelley, the amendment offered by Rep. Dial to the bill, H. 842, was tabled.

Yeas 39; Nays 26.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Blake, Bowling, Brakefield, Cabaniss, Campbell, Clark (W), Cobb, Crow, Drinkard, Ford,

Gafford, Goodwin, Greer, Gregg, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, McMillan, Minus, Mitchell, Moore, Naramore, Owens, Payne, Ray, Sasser, Seibels, Shoemaker, Trammell, Turner, Venable, Warren and Willis.

—39

Nays:

Reps.: Carothers, Carter, Coburn, Cooley, Cosby, Dial, Edwards, Escott, Gilmer, Grimsley, Harvey, Holley, Horn, Laird, McKee, Nevett, Olive, Parker, Pegues, Rains, Shavers, Smith (C), Smith (J), Tucker, Ward and Williams.

—26

MOTION TO SUSPEND RULE LOST

The question was then on the motion offered by Rep. Kelley to suspend Rule 4(4) for H. 842, and the motion was lost, lacking a four-fifths vote.

Yeas 54; Nays 25.

Yeas:

Mr. Speaker: Adams (H), Albright, Amari, Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Cobb, Coburn, Cooley, Crow, Daniels, Drinkard, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Hammett, Harvey, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Letson, Lewis, McMillan, Minus, Mitchell, Moore, Naramore, Owens, Payne, Penry, Rains, Reed, Riddick, Sasser, Seibels, Shoemaker, Smith (M), Starkey, Trammell, Turner, Venable, Warren and Willis.

—54

Nays:

Reps.: Adams (C), Carter, Cates, Clark (W), Cosby, Dial, Dixon, Edwards, Escott, Gilmer, Holley, Horn, Howard, Laird, McKee, Nevett, Olive, Parker, Pegues, Ray, Shavers, Smith (C), Stewart, Tucker and Williams.

—25

RULE SUSPENDED

On motion of Rep. Owens, Rule 4(4) was suspended to permit the bill, H. 382, being other than a local or general bill or local application, to be sent to the Senate.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Escott, Ford, Gafford, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, McKee, McMillan, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Trammel, Turner, Venable, Waggoner, Ward, Warren, Willis and Wyatt.

—73

And the bill:

H. 382. To make a supplemental appropriation to the Department of Public Health from the Vital Statistics Fund, Hospital Licensing Fund and Hearing Aid Fund as provided in Title 34, Chapter 14, Article 1 and 2, 1975, Code of Alabama for the fiscal year ending September 30, 1981.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Horn, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, McKee, McMillan, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Pegues, Penry, Rains, Ray, Reed, Riddick, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Stewart, Trammell, Turner, Venable, Ward, Warren, Williams, Willis and Wyatt.

—78

RULE SUSPENDED

On motion of Rep. Laird, Rule 4(4) was suspended to permit the bill, H. 437, being other than a local or general bill of local application, to be sent to the Senate.

SUBSTITUTE MOTION TO POSTPONE

Rep. Coburn offered the substitute motion to postpone the bill, H. 437, to the thirtieth legislative day.

MOTION TO TABLE LOST

The motion offered by Rep. Laird to table the substitute motion to postpone offered by Rep. Coburn, was lost.

Yeas 35; Nays 45.

Yeas:

Mr. Speaker, Adams (C), Bedsole, Biddle, Cabaniss, Campbell, Carothers, Carter, Cosby, Dial, Dixon, Gafford, Gilmer, Grimsley, Grouby, Harper (O), Johnson (R. G.), Laird, Lewis, McKee, McMillan, Manley, Minus, Owens, Pegues, Roberts, Sasser, Seibels, Smith (C), Turnham, Venable, Ward, Warren, Whatley and Willis.

—35

Nays:

Reps.: Albright, Amari, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cates, Cheatwood, Clark (W), Coburn, Cooley, Crow, Escott, Goodwin, Greer, Hall, Hammett, Harvey, Holley, Horn, Howard, Jackson,

Johnson (Roy), Kelley, Kennedy, Letson, Mitchell, Moore, Naramore, Nevett, Parker, Payne, Penry, Rains, Ray, Shavers, Shoemaker, Starkey, Stout, Trammell, Tucker, Turner and Willis.

—45

H. 437 POSTPONED

The question was then on the substitute motion offered by Rep. Coburn to postpone the bill, H. 437, to the thirtieth legislative day, and the substitute motion was adopted.

Yeas 44; Nays 34.

Yeas:

Reps.: Albright, Amari, Bennett, Blake, Brakefield, Buskey, Carothers, Cates, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Crow, Drinkard, Escott, Ford, Goodwin, Greer, Hall, Hammett, Harvey, Holley, Horn, Howard, Jackson, Johnson (Roy), Kelley, Kennedy, Letson, Mitchell, Moore, Naramore, Nevett, Parker, Penry, Rains, Shavers, Starkey, Stout, Trammell, Tucker, Turner and Williams.

—44

Nays:

Mr. Speaker, Adams (C), Biddle, Cabaniss, Campbell, Carter, Cosby, Dial, Dixon, Gafford, Gilmer, Grimsley, Grouby, Harper (O), Johnson (R. G.), Laird, Lewis, McKee, Manley, Minus, Olive, Owens, Payne, Pegues, Roberts, Sasser, Seibels, Smith (C), Turnham, Venable, Ward, Warren, Whatley and Willis.

—34

And the bill:

H. 1100. To extend, alter and rearrange the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence.

was taken up.

SUBSTITUTE OFFERED

Rep. Greer offered the following substitute to the bill, H. 1100:

A BILL
TO BE ENTITLED
AN ACT

To extend, alter and rearrange the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence.

Be It Enacted by the Legislature of Alabama:

SECTION 1. That the boundary lines and corporate limits of the City of Florence be and the same are hereby extended, altered and rearranged so as to include within the corporate limits of the City of Florence all of the following additional adjacent territory in Lauderdale County, Alabama, situated, to wit:

TRACT "A"

A tract of land lying and being in the Northeast 1/4 of Section 32, Township 2 South, Range 10, Lauderdale County, Alabama, more particularly described as follows, to wit: Begin at a point 30 feet South of the Northwest corner of the Northeast quarter of the Northeast quarter of Section 32, Township 2 South, Range 10 West, said point being the Northwest corner of Village Pines Subdivision according to the plat thereof recorded in the office of the Judge of Probate of Lauderdale County, Alabama, in Plat Book 5, page 77; thence South 1290 feet to the Northeast corner of the Southwest quarter of the Northeast quarter of the Northeast quarter of the Northeast quarter of said Section 32; thence West 220 feet to a point; thence South to the South line of said Southwest quarter of the Northeast quarter of Section 32; thence East to a point on the North right-of-way line of U.S. Highway No. 72; thence Northeastwardly with the North right-of-way line of said U. S. Highway 72 to the Southeast corner of Lot 14, Village Pines Subdivision; thence North 0 degrees 01 minutes West along the East line of said Village Pines Subdivision, 1997.82 feet to the Northeast corner of said Village Pines Subdivision; thence West 993.43 feet to the point of beginning.

TRACT "B"

A tract of land lying and being in the Northwest quarter of Section 33, Township 2 South, Range 10 West, Lauderdale County, Alabama, more particularly described as follows, to wit: Begin at a point on the East line of Bailey Springs Road (County Road No. 30) at a point 268 feet South of and 20 feet East of the Northwest corner of the Southwest quarter of the Northwest quarter of Section 33; thence East 195.5 feet; thence North 140 feet; thence East 65 feet; thence Northeastwardly to the Southwest corner of Lot 3, Resurvey of Morningside Heights, according to the plat thereof recorded in the office of the Judge of Probate of Lauderdale County, Alabama, in Plat Book 3 at page 176; thence North 60 degrees 57 minutes East 105 feet to the Northwest corner of Lot 2 of said Resurvey of Morningside Heights; thence East along the North line of Lot 2 and the extension thereof 159.8 feet to a point on the East line of Dowdy Drive as the same appears on said plat of Resurvey of Morningside Heights; thence North along the East line of Dowdy Drive to the Northwest corner of Lot 30, resurvey of Morningside Heights; thence East along the North lot of said Lot 30, 192.4 feet to the Northeast corner of said Lot 30; thence South along the East line of said Resurvey of Morningside Heights, 167.33 feet to a point on the North right-of-way line of U. S. Highway No. 72; thence South westwardly along the North right-of-way line of said Highway No. 72 to a point where the East right-of-way line of Bailey Springs Road intersects the North right-of-way line of said U. S. Highway No. 72; thence North along the East right-of-way line of said Bailey Springs Road to the point of beginning.

TRACT "C"

A tract of land lying in Section 27, 28, and 33, Township 2 South, Range 10 West, Lauderdale County, Alabama, more particularly described as follows, to wit: Beginning at a point where the Westwardly line of Dowdy Drive, as shown on the plat of Resurvey of Morningside Heights as recorded in Plat Book 3, page 176, in the office of the Judge of Probate of Lauderdale County, Alabama, intersects the North right-of-way line of U. S. Highway No. 72; being on the present City Limits of Florence, Alabama; thence Northeastwardly along the North right-of-way line of said U. S. Highway No. 72 to the Southwest corner of Lot 1, Elm Acres Subdivision, according to the plat

thereof recorded in the office of the Judge of Probate of Lauderdale County, Alabama, in Plat Book 3, page 86; thence North along the West line of said Lot 1 and Lot 3 of said Subdivision, 294 feet; thence West 265.5 feet to the Southwest corner of Lot 6 of said Elm Acres Subdivision; thence Northeastwardly along the West boundary line of said Elm Acres Subdivision, Belle Meade Subdivision Addition No. 1, according to Plat Book 3, page 166, Probate Office of Lauderdale County, Alabama, And A Resurvey of a Portion of Belle Meade Addition No. 1, according to Plat Book 4, page 40, Probate office of Lauderdale County, Alabama, to the Northwest corner of a Resurvey of a Portion of Belle Meade Addition No. 1, as recorded Plat Book 4, page 40; thence East along the North line of the South one-half of Section 28, Township 2 South, Range 10 West, to the Southwest corner of Springwood Subdivision, according to the plat thereof recorded in the office of the Judge of Probate of Lauderdale County, Alabama, in Plat Book 5, page 68; thence North 1 degree 29 minutes West along the West boundary of said Springwood Subdivision, 2087.99 feet; thence North 89 degrees 46 minutes East 420 feet; thence North 1 degree 05 minutes West 630 feet; thence North 89 degrees 46 minutes East 939 feet to the Northwest corner of said Springwood Subdivision; thence South 0 degree 52 minutes East along the East boundary of said Springwood Subdivision, 2191.23 feet; thence South 89 degrees 20 minutes 30 seconds West 190 feet to the East line of Mauldin Avenue; thence South 0 degrees 12 minutes 30 seconds East along the East line of said Mauldin Avenue, 529.54 feet; thence East 190 feet to the Northwest corner of the Northeast quarter of the Southeast quarter of Section 28, Township 2, South, Range 10 West; thence South along the West line of the Northeast quarter of the Southeast quarter of said Section 28 to the Northwest corner of Evergreen Estates, according to the plat thereof recorded in the office of the Judge of Probate of Lauderdale County, Alabama, in Plat Book 4 at page 146, thence South 87 degrees 24 minutes East along the North line of said Evergreen Estates 968.3 feet; thence South 1 degree 26 minutes West 420.13 feet to a point on the North line of Lot 8, Block 3, Evergreen Estates, thence South 87 degrees 24 minutes East along the North lot lines of Lots 8, 9, 10 and 12, Block 3, Evergreen Estates 319 feet, more or less, to the West line of Bennett Road (County Road No. 27); thence North along the West line of Bennett Road to a point due West of a point 134 feet North of the Southwest corner of Lot 10, Lee-Hi Acres Subdivision, according to the plat thereof recorded in the office of the Judge of Probate of Lauderdale County, Alabama, in Plat Book 2, page 132; thence East parallel to and 134 feet North of the South line of Lot 10 to the East line of said Lot 10; thence South 0 degree 45 minutes East along the East line of Lots 10 and 11 for 464 feet to the Southeast corner of said Lot 11; run thence South 89 degrees 15 minutes West for 446.2 feet to the Northeast corner of Lot 12, said Lee-Hi Acres; thence South 0 degree 45 minutes East long the East line of said Lot 12 for 330 feet to the Southeast corner of said Lot 12, thence South 89 degrees 15 minutes West along the South line of said Lot 12, 845.69 feet to the East line of said Bennett Road; thence South along the East line of Bennett Road and the extension thereof to a point on the South right-of-way line of U. S. Highway No. 72; thence Southwestwardly along the South right-of-way line of said U. S. Highway No. 72 to the West line of Rivermont Drive as shown on a plat of Rivermont Subdivision, as recorded in the office of the Judge of Probate of Lauderdale County, Alabama, in Plat Book 3, pages 36 and 37, being on the present City Limits of Florence, Alabama, and the point of ending.

Less and except from Tract "C" above described the following tract of land: Beginning at the Northwest corner of Elm Acres Subdivision, according to the plat thereof recorded in the office of the Judge of Probate of Lauderdale County, Alabama, in Plat Book 3, page 86; thence Northeastwardly along the

West boundary line of Belle Meade Subdivision Addition No. 1, according to Plat Book 3, page 166, Probate Office of Lauderdale County, Alabama, and a Resurvey of a portion of Belle Meade Addition No. 1, according to Plat Book 4, page 40, Probate Office of Lauderdale County, Alabama, to the Northwest corner of a Resurvey of a portion of Belle Meade Addition No. 1, as recorded in Plat Book 4, page 40; thence East along the North line of the South one-half of Section 28, Township 2 South Range 10 West to the Southwest corner of Springwood Subdivision, according to the plat thereof recorded in the office of the Judge of Probate of Lauderdale County, Alabama, in Plat Book 5, page 68; thence North 1 degree 29 minutes West along the West boundary of said Springwood Subdivision, 2,087.99 feet; thence North 89 degrees 46 minutes East 420 feet; thence North 1 degree 05 minutes West 630 feet; thence North 89 degrees 46 minutes East 939 feet to the Northeast corner of said Springwood Subdivision; thence South 0 degrees 52 minutes East along the East boundary of said Springwood Subdivision, 2191.23 feet; thence South 89 degrees 20 minutes 30 seconds West 190 feet to the East line of Mauldin Avenue; thence South 0 degrees 12 minutes 30 seconds East along the East line of said Mauldin Avenue, 529.54 feet; thence East 190 feet to the Northwest corner of the Northeast quarter of the Southeast quarter of Section 28, Township 2 South, Range 10 West; thence South along the West line of the East one-half of the Southeast quarter of said Section 28 to the Northeast corner of lot one, block one, Belle Meade Subdivision, according to Plat Book 3, page 115, office of the Judge of Probate, Lauderdale County, Alabama; thence Southwestwardly along the North lot line and the extension thereof 280 feet, more or less to the Northeast corner of lot one, block 2, Resurvey of Belle Meade Subdivision, according to Plat Book 3, page 137, office of the Judge of Probate of Lauderdale County, Alabama; thence South 64 degrees 55 minutes West along the South line of an alley and the extension thereof to the West line of lot 14, block 14, Belle Meade Addition No. 1, according to Plat Book 3, page 166, probate office of Lauderdale County, Alabama; thence South to the North right-of-way line of U. S. Highway No. 72; thence Southwestwardly along the North right-of-way line of said U. S. Highway No. 72 to the Southeast corner of Elm Acres Subdivision, according to Plat Book 3, page 86, office of the Judge of Probate, Lauderdale County, Alabama; thence North along the East line of said Elm Acres Subdivision 1195 feet to the Northeast corner of said Elm Acres Subdivision; thence West along the North line of said Elm Acres Subdivision 639.5 feet to the point of beginning.

Section 2. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 19; Nays 0.

Yeas:

Mr. Speaker, Albright, Biddle, Boles, Brakefield, Cabaniss, Gafford, Gilmer, Greer, Johnson (R. G.), Minus, Moore, Naramore, Owens, Smith (C), Starkey, Trammell, Whatley and Williams.

—19

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 1100, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 37; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Bennett, Biddle, Boles, Bowling, Cabaniss, Carothers, Clark (G), Coburn, Gafford, Gilmer, Goodwin, Greer, Grouby, Hall, Harvey, Johnson (R. G.), McKee, Manley, Minus, Moore, Naramore, Owens, Pegues, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Trammell, Turner, Whatley and Williams.

—37

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RULE SUSPENDED

On motion of Rep. Kelley, Rule 4(4) was suspended to permit the bill, H. 74, being other than a local or general bill of local application, to be sent to the Senate.

Yeas 68; Nays. 2.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Brakefield, Campbell, Carothers, Carter, Cates, Cheatwood, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Jackson, Johnson (R. G.), Kelley, Letson, McMillan, Minus, Moore, Naramore, Nevitt, Owens, Penry, Ray, Riddick, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Tucker, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams and Wyatt.

—68

Nays: Reps.: Olive and Payne.

—2

And the bill:

H. 74. To provide for an additional \$3.00 fee to be charged on each and every quasi-criminal, criminal case and civil action docketed in the courts of the state; to provide that said fee shall be charged and collected as other costs; to provide that all receipts from said \$3.00 fee shall be paid into the "Fair Trial Tax Fund" and shall be in addition to all amounts presently paid into said fund; and to further provide that all receipts from this additional fee collected in the municipal courts shall be distributed in accordance with Section 12-19-251.1, Code of Alabama 1975.

Was taken up.

SUBSTITUTE OFFERED

Rep. Dial offered the following substitute to the bill, H. 74:

A BILL
TO BE ENTITLED
AN ACT

To provide for an additional \$3.00 fee to be charged on each and every quasi-criminal, criminal case and civil action docketed in the courts of the state; to provide that said \$3.00 fee shall be charged and collected as other costs; to provide that all receipts from said \$3.00 fee shall be paid into the "Fair Trial Tax Fund" and shall be in addition to all amounts presently paid into said fund; to further provide that all receipts for this additional \$3.00 fee collected in the municipal courts shall be distributed in accordance with Section 12-19-251.1, Code of Alabama 1975; to provide for an additional \$2.00 fee to be charged on each and every quasi-criminal, criminal case and civil action docketed in the courts of the state; to provide that said \$2.00 fee shall be charged and collected as other costs; to provide that all receipts from said \$2.00 fee shall be paid into the county treasuries to be used exclusively for the expenses of operating the jails and providing for prisoner maintenance in such counties; and to further provide that the additional \$2.00 fee shall not be charged or collected in the municipal courts of this state.

Be It Enacted by the Legislature of Alabama:

Section 1. In each and every criminal or quasi-criminal case and every civil action docketed in the municipal, district and circuit courts of the state of Alabama in which the "Fair Trial Tax" is collected as provided by law, an additional \$3.00 shall be assessed by the clerk or register of the court or by the judge of such court, if there is no clerk or register, as costs in each case.

Section 2. The \$3.00 fee prescribed herein shall be charged and collected as other costs are charged and collected and shall be cumulative with and in addition to all other court costs, fees, or taxes imposed by law.

Section 3. All receipts from the \$3.00 fee prescribed herein shall be distributed to the "Fair Trial Tax Fund" as provided in Section 12-19-251, Code of Alabama 1975, and shall be in addition to all other receipts presently paid into said fund as provided by law.

Section 4. Notwithstanding the provisions of this Act, the \$3.00 fee charged and collected in the municipal courts pursuant to the provisions of Sections 1, 2 and 3 above shall be distributed in accordance with the provisions of Section 12-19-251.1, Code of Alabama 1975.

Section 5. In each and every criminal or quasi-criminal case and every civil action docketed in the district and circuit courts in the counties of this state, an additional \$2.00 shall be assessed by the clerk or register of the court as costs in each case. The monies derived from the charges herein prescribed shall be remitted to a fund designated "The _____ County Jail Fund" in the county treasury in each respective county and shall be used exclusively for the expenses of operating the county jail and providing for prisoner maintenance in such counties. The county commission in each county is hereby authorized to direct expenditures of said fund to carry out the provisions and purposes of this Act.

Section 6. The \$2.00 fee prescribed herein shall be charged and collected as other costs are charged and collected and shall be cumulative with and in addition to all other court costs, fees, or taxes imposed by law.

Section 7. Notwithstanding the provisions of this Act, the additional \$2.00 fee as provided in Sections 5 and 6 above shall not be charged or collected in the municipal courts of this state.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TABLED

On motion of Rep. Kelley, the substitute offered by Rep. Dial to the bill, H. 74, was tabled.

Yeas 46; Nays 19.

Yeas:

Reps.: Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Coburn, Cooley, Crow, Daniels, Drinkard, Escott, Ford, Grouby, Hammett, Harvey, Kelley, Lewis, McMillan, Minus, Naramore, Nevett, Penry, Rains, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Turner, Warren and Williams.

—46

Nays:

Reps.: Boles, Cates, Cosby, Dial, Dixon, Gilmer, Holley, Johnson (R. G.), Letson, McKee, Olive, Parker, Payne, Sandusky, Smith (M), Tucker, Venable, Whatley and Wyatt.

—19

AMENDMENT OFFERED

Rep. Kelley offered the following amendment to the bill, H. 74:

In the title of the bill on page 1, line 10 after the word "additional", strike the sign, numerals and decimal point, "\$3.00" and insert in lieu thereof the following:

\$5.00

Further amend the bill in section 1 on page 1, line 26 after the word "additional", strike the sign, numerals and decimal point, "\$3.00" and insert in lieu thereof the following:

\$5.00

Further amend the bill in section 2 on page 1, line 30 after the word "The", strike the sign, numerals and decimal point, "\$3.00" and insert in lieu thereof the following:

\$5.00

Further amend the bill in section 3 on page 1, line 34 after the word "the", strike the sign, numerals and decimal point, "\$3.00" and insert in lieu thereof the following:

\$5.00

AMENDMENT ADOPTED

And the amendment was adopted.

REGULAR SESSION
27th Day

1935

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Cooley, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harvey, Horn, Howard, Johnson (R. G.), Kelley, Letson, Lewis, McMillan, Minus, Naramore, Nevett, Olive, Owens, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stout, Turner, Venable, Ward, Warren, Whatley, Williams and Wyatt.

—68

And the bill:

H. 74. To provide for an additional \$5.00 fee to be charged on each and every quasi-criminal, criminal case and civil action docketed in the courts of the state; to provide that said fee shall be charged and collected as other costs; to provide that all receipts from said \$3.00 fee shall be paid into the "Fair Trial Tax Fund" and shall be in addition to all amounts presently paid into said fund; and to further provide that all receipts from this additional fee collected in the municipal courts shall be distributed in accordance with Section 12-19-251.1, Code of Alabama 1975.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 1.

Yeas:

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Letson, Lewis, McMillan, Minus, Mitchell, Naramore, Nevett, Owens, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Turner, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—70

Nay: Rep. Payne.

—1

RULE SUSPENDED

On motion of Rep. Kelley, Rule 4(4) was suspended to permit the bill, H. 75, being other than a local or general bill of local application, to be sent to the Senate.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley,

Grouby, Hammett, Harper (T), Holley, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McMillan, Minus, Mitchell, Naramore, Nevett, Olive, Owens, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Turner, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—76

And the bill:

H. 75. To provide further for the appointment and compensation of counsel for indigent defendants in the courts of this state; providing that the trial court judge shall utilize an affidavit of substantial hardship on a form prescribed by the supreme court in determining the fact of indigency; providing that the affidavit of substantial hardship shall become a part of the court record; providing that the compensation to be paid court appointed counsel shall be computed at the rate of \$20.00 per hour for time reasonably expended out of court and \$40.00 per hour for time expended in court; providing that the total fees awarded to any one attorney shall not exceed \$1,000.00 in cases in the trial courts, \$1,000.00 in cases appealed to the supreme court or court of criminal appeals, and \$600.00 in post conviction proceedings; providing that a convicted defendant may be required to reimburse the state for the fees of counsel appointed to represent him; further providing that monies collected from a convicted defendant for the fees of court appointed counsel shall be paid into the fair trial tax fund; and to amend §§ 15-12-5, 15-12-21, 15-12-22 and 15-12-23, Code of Alabama 1975.

Was taken up.

SUBSTITUTE OFFERED

Rep. Kelley offered the following substitute to the bill, H. 75:

A BILL TO BE ENTITLED AN ACT

To provide further for the appointment and compensation of counsel for indigent defendants in the courts of this state; providing that the trial court judge shall utilize an affidavit of substantial hardship on a form prescribed by the supreme court in determining the fact of indigency; providing that the affidavit of substantial hardship shall become a part of the court record; providing that the compensation to be paid court appointed counsel shall be computed at the rate of \$20.00 per hour for time reasonably expended out of court and \$40.00 per hour for time expended in court; providing that the total fees awarded to any one attorney shall not exceed \$1,000.00 in cases in the trial courts, \$1,000.00 in cases appealed to the supreme court or court of criminal appeals, and \$600.00 in post conviction proceedings; providing that a convicted defendant may be required to reimburse the state for the fees of counsel appointed to represent him; further providing that monies collected from a convicted defendant for the fees of court appointed counsel shall be paid into the fair trial tax fund; and to amend Sections 15-12-5, 15-12-21, 15-12-22 and 15-12-23, Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 15-12-5, Code of Alabama 1975, is hereby amended to read as follows:

"Section 15-12-5. Determination of indigency and provision of defense counsel generally.

"(a) Judicial role in determining indigency.—The trial judge first having cognizance of a criminal or juvenile proceeding in his court shall determine if an accused person or petitioner for postconviction relief is an indigent defendant. Upon appeal from a trial court to the state appellate courts, the trial judge or the presiding circuit judge shall determine if the appellant is an indigent defendant. In any proceeding initiated originally in a state appellate court or in any case appealed to a state appellate court without a determination of indigency, the presiding judge or chief justice of the appellate court shall determine if the appellant or petitioner is an indigent defendant.

"(b) Criteria for determining indigency.—In determining indigency, the judge shall recognize ability to pay as a variable depending on the nature, extent and liquidity of assets, the disposable net income of the defendant, the nature of the offense, the effort and skill required to gather pertinent information and the length and complexity of the proceedings.

"(c) Investigation of indigency.—In determining the fact of indigency a judge may require an investigation and report by a district attorney, public defender, sheriff, probation officer or other officer of the court. Provided, further, that the trial court judge shall, in all cases requiring a determination of indigency, require the accused to execute an affidavit of substantial hardship on a form approved by the supreme court. The completed affidavit of substantial hardship and the subsequent order of the court either denying or granting court appointed counsel to the accused shall become a part of the official court record in the case.

"(d) Provision of defense counsel.—The judge making a determination of indigency shall provide legal representation for the indigent defendant. To the extent possible, judges shall provide continuity in legal representation."

Section 2. Section 15-12-21, Code of Alabama 1975, is hereby amended to read as follows:

"Section 15-12-21. Appointment and compensation of counsel—Trial court.

"(a) If it appears to the trial court that such defendant is entitled to counsel, that such defendant does not expressly waive the right to assistance of counsel and that such defendant is not able financially or otherwise to obtain the assistance of counsel, the court shall appoint counsel to represent and assist the defendant; and it shall be the duty of such appointed counsel, as an officer of the court and as a member of the bar, to represent and assist said defendant.

"(b) If it appears to the trial court in a delinquency case, need of supervision case or other judicial proceeding in which a juvenile is a party, that said juvenile is entitled to counsel and that such juvenile is not able financially or otherwise to obtain the assistance of counsel or that appointed counsel is otherwise required by law, the court shall appoint counsel to represent and assist the juvenile or act in the capacity of guardian ad litem for such juvenile; and it shall be the duty of such appointed counsel, as an officer of the court and as a member of the bar, to represent and assist said juvenile.

"(c) If it appears to the trial court that the parents, guardian or custodian of a juvenile who is a party in a judicial proceeding, are entitled counsel

and such parties are unable to afford counsel, upon request the court shall appoint counsel to represent and assist such parents, guardian or custodian; and it shall be the duty of such appointed counsel, as an officer of the court and as a member of the bar, to represent and assist said parties.

“(b)(d) Counsel appointed in such cases described in subsections (a), (b) and (c) above, including such cases tried de novo in circuit court on appeals from a juvenile proceeding, shall be entitled to receive for their services a fee to be fixed approved by the trial court. The amount of such fee shall be based on the number of hours spent by the attorney in working on such case and shall be computed at the rate of \$20.00 \$40.00 per hour for time expended in court and \$10.00 \$20.00 per hour for time reasonably expended out of court in the preparation of such case. Such counsel shall also be entitled to be reimbursed for any expenses reasonably incurred in such defense. The total fees and expenses to any one attorney in any one case, including fees for services rendered in preliminary hearing and in ancillary proceedings, shall not, however, exceeding \$500.00. The total fees to any one attorney in any one case, from the time of appointment through the trial of the case, including motions for new trial, shall not, however, exceed \$1,000.00. Counsel shall also be entitled to be reimbursed for any expenses reasonably incurred in such defense to be approved in advance by the trial court, but in no individual case shall such expenses exceed one-half of the allowable attorney fees provided in this section.

“(c)(e) Within a reasonable time after the conclusion of the trial or ruling on a motion for a new trial or after an acquittal or other judgement disposing of the case, counsel shall submit to the trial court a bill for services rendered, not to exceed the amount provided in subsection (b)(d) of this section, and such bill, if approved by the trial court, shall be submitted by the clerk of the court to the state comptroller for audit and allowance and, if approved by the comptroller, shall be forwarded to the state treasurer for payment.”

Section 3. Section 15-12-22, Code of Alabama 1975, is hereby amended to read as follows:

“Section 15-12-22. Same—Appeals.

“(a) In all criminal cases wherein a defendant has been convicted of a serious offense in which an appeal lies directly to the supreme court or court of criminal appeals and the defendant expresses his desire to appeal such conviction, the court shall cause to be entered upon its minutes a recital of notice of appeal, and the court shall then ascertain and make findings in reference to the appeal concerning those items listed in Section 15-12-20.

“(b) If it appears that the defendant desires to appeal and is unable financially or otherwise to obtain the assistance of counsel on appeal and the defendant expresses the desire for assistance of counsel, the trial court shall appoint counsel to represent and assist the defendant on appeal. The presiding judge of the court to which the appeal is taken shall have authority to appoint counsel in the event the trial court fails to appoint and in the event it becomes necessary to further provide for counsel. It shall be the duty of such counsel, as an officer of the court and as a member of the bar, to represent and assist such defendant in the appeal.

“(c) If it appears that a juvenile who is a party to an appeal is otherwise required by law or by rule of court to be represented by appointed counsel, the trial court shall appoint counsel to represent and assist such juvenile on appeal. The presiding judge of the court to which the appeal is taken shall

have authority to appoint counsel in the event the trial court fails to appoint and in the event it becomes necessary to further provide for counsel. It shall be the duty of such counsel, as an officer of the court and as a member of the bar, to represent and assist such juvenile in the appeal.

"(c)(d) Counsel appointed to defend any indigent defendant for the appeal from a decision in any criminal or juvenile proceeding, excluding cases tried de novo in circuit court on appeal from a juvenile proceeding, shall be entitled to receive for their services a fee to be fixed approved by the appellate court. The amount of such fee shall be based on the number of hours spent by the counsel in working on such appeal and be computed at the rate of \$20.00 \$40.00 per hour for time expended in court and \$10.00 per hour for time reasonably expended out of court in the preparation prosecution of such appeal, and any subsequent petition for writ of certiorari. Such counsel shall also be entitled to be reimbursed for any expenses reasonably incurred in preparing and handling such appeal. The total fees and expenses awarded to any one attorney in any one case, including fees on the trial of the case in the lower court, on the appeal and in any ancillary proceedings, shall not, however, exceed \$1,000.00. The total fees awarded to any one attorney in any appeal and any subsequent petition for writ of certiorari, shall not, however, exceed \$1,000.00, and shall be in addition to any fees awarded on the trial court level. Such counsel shall also be entitled to be reimbursed for any expenses reasonably incurred in preparing and handling such appeal, to be approved in advance by the appellate court, but in no individual appeal shall such expenses exceed one-half of the allowable attorney fees provided in this section.

"(d)(e) Within a reasonable time after the disposition of the appeal, counsel shall submit to the appellate court a bill for services rendered, not to exceed the amount provided in subsection (c)(d) of this section, and such bill, when approved by the presiding judge or chief justice of the appellate court, shall be submitted by the clerk of the appellate court to the state comptroller for audit and allowance and, if approved by the comptroller, forwarded to the state treasurer for payment."

Section 4. Section 15-12-23, Code of Alabama 1975, is hereby amended to read as follows:

"Section 15-12-23. Same—Postconviction proceedings.

"(a) In proceedings filed in the district or circuit court involving the life and liberty of those charged with or convicted of serious criminal offenses including proceedings for habeas corpus and coram nobis or other postconviction remedies, and in appeals, post-trial motions or appeals in such proceedings, the trial or presiding judge or chief justice of the court in which such proceedings may be commenced or pending may appoint counsel to represent and assist those persons so charged or convicted if it appears to the court that the person charged or convicted is unable financially or otherwise to obtain the assistance of counsel and desires the assistance of counsel and it further appears that counsel is necessary in the opinion of such judge to assert or protect the rights of such person.

"(b) In proceedings filed in the district or circuit court involving juvenile offenses including proceedings for habeas corpus and coram nobis or other postconviction remedies, and in post-trial motions or appeals in such proceedings, the trial or presiding judge or chief justice of the court in which such proceedings may be commenced or pending may appoint counsel to represent and assist those juveniles so charged or convicted if it appears to the court

that the juvenile charged or convicted is unable financially or otherwise to obtain the assistance of counsel and it further appears that counsel is necessary in the opinion of such judge to assert or protect the rights of such person, or court appointed counsel is otherwise required by law or rule of court.

"(b)(c) It shall be the duty of such counsel as provided in subsections (a) and (b) of this section to represent and assist the person in such proceeding.

"(c)(d) The counsel appointed in such proceedings shall be entitled to receive for his services a fee to be fixed approved by the judge appointing him. The amount of such fee shall be based on the number of hours spent by counsel in working on such proceedings and be computed at the rate of \$20.00 \$40.00 per hour for time expended in court and \$10.00 \$20.00 per hour for time reasonably expended in preparation of such proceedings; provided, that the total amount of compensation fees to counsel for such proceedings shall not exceed \$300.00, \$600.00. nor shall the total amount awarded to any one attorney for any one case, including fees on the trial of the case in the lower court, or the appeal and in any ancillary proceedings, exceed \$1,000.00.

"(d)(e) Claim for such fee shall be submitted, approved and paid in the same manner as provided in subsection (d) (e) of section 15-12-22."

Section 5. Fees awarded to appointed counsel for time expended prior to the effective date of this Act in the preparation of such cases shall be calculated at the rates in effect prior to such effective date; provided, however, that nothing in this section shall be construed so as to prevent court appointed counsel from receiving fees calculated at the rates prescribed in this Act for time expended after the effective date of this Act in the preparation of such cases. Any claim which is submitted after the effective date of this Act which is based upon hours expended both prior to and subsequent to such effective date shall be subject to the maximum fee and expense amounts prescribed herein.

Section 6. (a)(1) A court may require a convicted defendant to pay the fees of court appointed counsel. Fees of court appointed counsel for the purposes of this Act, shall mean any attorney's fees and expenses paid an appointed counsel or public defender.

(2) The court shall not order a defendant to pay the fees of court appointed counsel unless the defendant is or will be able to pay them. In determining the amount and method of payment of these fees, the court shall take into account the financial resources of the defendant and the nature of the burden that payment of the fees will impose. A defendant who has been ordered to pay the fees of court appointed counsel and who is not in contumacious default in the payment thereof may at any time petition the court which sentenced him for remission of the payment of these fees or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or his immediate family, the court may remit all or part of the amount due in fees or modify the method of payment.

(b)(1) When a defendant is ordered to pay the fees of court appointed counsel, the court may grant permission for payment to be made in a specified period of time or in specified installments. If permission is not included in the order these fees shall be payable forthwith.

(2) When a defendant ordered to pay the fees of court appointed counsel is also placed on probation or imposition or execution of sentence is suspended the court may make payment of the fees a condition of probation or suspension of sentence.

(c)(1) When a defendant ordered to pay the fees of court appointed counsel defaults in the payment thereof or of any installment, the court on motion of the district attorney or upon its own motion may require him to show cause why his default should not be treated as contempt of court, and may issue a show cause citation or a warrant of arrest for his appearance.

(2) Unless the defendant shows that his default was not attributable to an intentional refusal to obey the order of the court or to a failure on his part to make a good faith effort to make payment, the court may find that his default constitutes contempt and may order him imprisoned as otherwise provided by law.

(3) If it appears to the satisfaction of the court that the default in a payment of the fees of court appointed counsel is not contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount thereof of each installment or revoking these fees or the unpaid portion thereof in whole or in part.

(4) A default in the payment of the fees of court appointed counsel or any installment thereof may be collected by any means authorized by law for the enforcement of a judgment. The issuance of a writ of execution for the collection of these fees shall not discharge a defendant committed to imprisonment for contempt until the amount of these fees has actually been collected.

(d) Monies collected for fees and expenses incurred by the state in furnishing representation to a convicted defendant shall be collected by the clerk of the court and shall be payable to the "Fair Trail Tax Fund," in the same manner as provided in Code of Alabama 1975, Section 12-19-251.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. All laws or parts of laws which conflict with this Act are hereby repealed. Provisions in Section 12-15-10, Code of Alabama 1975, making attorney fees valid charges and preferred claims against the county and directing that such fees be paid by the county treasurer, are hereby specifically repealed.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Grimsley, Grouby,

Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, McMillan, Minus, Moore, Naramore, Nevett, Olive, Owens, Patton, Penry, Rains, Ray, Reed, Riddick, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Stout, Trammell, Turner, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—74

And the bill:

H. 75. To provide further for the appointment and compensation of counsel for indigent defendants in the courts of this state; providing that the trial court judge shall utilize an affidavit of substantial hardship on a form prescribed by the supreme court in determining the fact of indigency; providing that the affidavit of substantial hardship shall become a part of the court record; providing that the compensation to be paid court appointed counsel shall be computed at the rate of \$20.00 per hour for time reasonably expended out of court and \$40.00 per hour for time expended in court; providing that the total fees awarded to any one attorney shall not exceed \$1,000.00 in cases in the trial courts, \$1,000.00 in cases appealed to the supreme court or court of criminal appeals, and \$600.00 in post conviction proceedings; providing that a convicted defendant may be required to reimburse the state for the fees of counsel appointed to represent him; further providing that monies collected from a convicted defendant for the fees of court appointed counsel shall be paid into the fair trial tax fund; and to amend Sections 15-12-5, 15-12-21, 15-12-22 and 15-12-23, Code of Alabama 1975.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Blake, Bowling, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, McMillan, Minus, Moore, Naramore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Riddick, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Trammell, Turner, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

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Nays: Reps. Gilmer and Payne.

—2

RULE SUSPENDED

On motion of Rep. Daniels, Rule 4(4) was suspended to permit the bill, H. 647, being other than a local or general bill of local application, to be sent to the Senate.

Yeas 76; Nays. 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood,

Clark (W), Cobb, Coburn, Cooley, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Laird, Langford, Letson, Lewis, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Stewart, Turner, Venable, Waggoner, Ward, Warren, Willis and Wyatt.

—76

And the bill:

H. 647. (With Substitute): Relating to the reorganization and structure of the Public Service Commission; relating to the further regulation of public utilities; defining terms; providing further for the public utilities generally, their rates, services and operations; creating the office of director of the Public Staff Agency, defining his duties, powers, jurisdiction and benefits; creating the Public Staff Agency; prescribing the powers, duties, and jurisdiction for such agency; providing for its personnel, their duties as consumer advocates, authority, compensation and benefits; providing that the commissioners shall be physically separated from the agency; prescribing the manner and procedures for hearings and appeals; providing for judicial procedures, keeping of records and reporting; providing for the duties and powers of the commissioners as these relate to public utilities; providing for administering of oaths; granting the jurisdiction and powers of a court of general jurisdiction for certain agency staff and the commissioners; providing for exceptions to orders; prescribing evidentiary procedures and matters for stipulation; prohibiting certain communications and contacts; providing responsibility for burden of proof; transferring all functions, duties, jurisdiction, authority, property, funds, documents, files, of whatsoever nature in the office of the Attorney General, relating to public utilities, pursuant to Sections 37-1-16 through 37-1-18 of the Code of Alabama 1975 to the Public Staff Agency; creating the Legislative Oversight Committee on Utilities, prescribing its membership, duties and jurisdiction; prescribing for the selection and appointment of the director and chief hearing examiner; amending Sections 37-1-5, 37-1-31, 37-1-32, 37-1-38, 37-1-39, 37-1-40, 37-1-41, 37-1-42, 37-1-43 and 37-1-44 of the Code of Alabama 1975, so as to include the director or agency, as the case may be; restoring criminal penalties for intentionally misleading a public servant and falsification; preserving rights and laws not affected by the reorganization; providing the provisions of this Act are cumulative except where it is in conflict or inconsistent; providing for severability and effective date.

Was taken up.

SUBSTITUTE OFFERED

Rep. Daniels offered the following substitute to the substitute reported by the Standing Committee on Commerce, Transportation and Utilities, said substitute being as follows:

A BILL TO BE ENTITLED AN ACT

Relating to a reorganization or restructuring of the Alabama public service commission by amending, supplementing and repealing certain provisions of Title 37 of the Code of Alabama so as to effectuate a declared state

policy of promoting, preserving and protecting the interest of the consuming public through more stringent regulation of utilities and other businesses under the jurisdiction of the commission and by further amending, supplementing and repealing certain provisions of Title 37 of the Code of Alabama so as to: provide that the commission shall consist of five commissioners elected statewide and for a redefinition of such commissioner's qualifications, eligibility to hold office, powers, duties and purposes; provide terms of office, oath of office and compensation for commissioners; provide for a president of the commission and such president's duties generally; provide for employees of the commission; provide for the qualifications of hearing examiners; provide duties and responsibilities of hearing examiners; provide for a secretary or chief clerk of the commission; provide qualifications for commission employees; provide for a commission seal and keeper; provide for the impeachment and removal of commissioners; provide for the elective office of the director of utility consumer representation; provide qualifications; elections, appointments, terms of office and a salary for the director; provide for a permanent legislative oversight committee for utility consumers; provide for election of members, terms of office, duties and filling of vacancies of oversight committee members; provide an oath for the director; provide duties and responsibilities for the director and staff; provide the director with the authority to appoint or employ a staff subject to the director's supervision; provide for definitions of terms, phrases or words used in this act; provide for the transfer of public service commission employees to the director's office; provide the commissioners and the director the authority to approve official travel and other related expenses of their staff; provide a seal and keeper for the office of the director; provide that records of the office of the director shall be public records; provide for the impeachment or removal of the director; provide for the assignment of an assistant attorney general to represent consumers and the state in proceedings before the commission; provide powers and duties of the attorney general in connection with public utility services generally; provide that the commission furnishes copies of applications, pleadings and other papers filed with it to the attorney general; provide for the appropriation of \$250,000.00 or more per fiscal year from the state general fund to be deposited into a consumer's utility rate hearing fund to be drawn upon by the director; provide that all funds in the currently existing consumer's utility rate hearing fund shall be made available to the director; provide rights of appeal from commission orders or decisions for the director; provide for bonds on commissioners, the director and certain of their employees; provide for a commission office in Montgomery, Alabama; provide for commission meetings and for a quorum of four commissioners; provide that the commission shall exercise judicial functions in the regulation of public utilities; provide for commission orders to contain findings of fact; provide that no changes in utilities' rates or schedules to be made without commission approval; provide that hearing examiners shall assist the commission in drafting the final order in all cases before the commission; provide that the commission shall retain jurisdiction over any case for a period of thirty days from the date of any final order of the commission published in writing in order to receive and review requests for reconsideration; provide for the filing of papers with the commission and service of same on the director; provide that any action taken by the commission shall be null and void on account of ineffective service of papers; provide that no hearing examiner shall conduct any hearing relating to a public utility which was the subject of a hearing over which that examiner presided during 12 months next preceding; provide that the commission's and the director's rights, powers, authority, jurisdiction and duties shall be exclusive in respect of rates, service regulations and equipment; provide for the commission to exercise supervisory and regulatory powers and for the director to exercise investigatory powers; provide for

the commission and the director to report to the governor and the legislative oversight committee; provide for the commission or director to assist the department of revenue by furnishing information for the assessment of taxes against persons or corporations operating utilities or other businesses regulated by the commission; provide for the commission and director to exercise powers and authorities over foreign businesses engaged in interstate commerce not regulated under acts of congress; provide proceedings when the commission or the director is of the opinion that interstate rates or rules or regulations of any public utility are deemed unjust, discriminatory, unreasonable or excessive; provide for actions to enforce penalties or forfeitures under this act; provide for the establishment of an enforcement division of the office of the director; provide for the transfer of employees from the enforcement division of the public service commission to the office of the director; provide that utility rates shall be reasonable and nondiscriminatory and provide methods for determining a reasonable and fair return; provide that certain expenses to be disallowed for rate making purposes; provide for the operation of schedules of rates or service regulations, the suspension of such schedules, supersedeas bond requirements and refunds with interest in regard to such schedules; provide for the filing and contents of complaints before the commission; provide for customers and consumers to intervene in proceedings before the commission; provide the commission and the director with subpoena powers and empowering the circuit courts to compel compliance with the commission orders; provide a time for appeal and methods of perfection of appeal of commission orders or decisions; provide no bond requirements when appellant is the director or the state of Alabama; provide supersedeas bond requirements when the appellant is a utility; provide for the authorizing of issues of securities; provide for the bringing of actions to recover penalties; provide for authorizing employment of personnel to aid director in enforcement; provide for rules and regulations of the commission; provide director with authority to enforce orders, rules and regulations of the commission; provide for rights of utility consumers; provide for rules to effectuate public policy; provide for neutrality of the commission, courts and other forums; provide for raising the issue of bias or conflict of interest by a verified petition to recuse; provide that a candidate for election to the commission or for the office of director designate a principal campaign committee; provide a penalty for failure to file a designation of a principal campaign committee; provide for the registration and certain organization of political committees seeking to influence the election for a commissioner or director; provide accounting for political contributions and recordkeeping relating thereto by such political committees in regard to an election for commissioner or director; provide criminal offenses in regard to elections for commissioners or the director; provide criminal offenses for falsification of certain reports or statements in regard to said elections; prohibit certain persons, utilities and regulated businesses from forming political committees in regard to said elections; provide for the designation of the number of depositories for political committee funds in regard to said elections; provide for use of contributions that are in excess of the amount necessary to defray expenditures of candidates for election to the commission or the office of director; provide for civil actions to compel the filing or correction of reports or statements by political committees in regard to elections for a commissioner or the director; provide criminal penalties for certain offenses relating to an election of a candidate for the commission or the director; provide criminal penalties for a commissioner, the director or their employees to exercise discretionary functions in regard to contracts when having a potential conflict of interest; provide a criminal penalty for misuse of confidential information by commissioners, director or employees; provide a criminal penalty for deprivation or

threat to deprive person of employment or other benefit on account of any political activity in support of or opposition to a candidate for the commission or the office of director; provide a criminal penalty for promise of employment or other benefit for such political activities; provide a criminal penalty for solicitation, offer, gift or receipt of disguised political contributions; provide a criminal penalty for false use of name for political contributions; provide a criminal penalty for fraudulent misrepresentation of campaign authority; provide a criminal penalty for use of office of commissioner, director or employee of commission or director for personal gain; provide a criminal penalty for offering or giving a commissioner, employee of the commission, director or employee of the office of director a thing of value from utilities; provide a criminal penalty for commissioner, employee of the commission, director or employee of office of director for soliciting or accepting a thing of value from a utility; provide a criminal penalty for candidates for the commission or the office of director who solicit or accept a thing of value from a utility or certain persons; provide a criminal penalty for a person who solicits or accepts a thing of value to be used or expended by candidates for election to the commission or the office of director when such thing of value is solicited or accepted from a utility or persons associated therewith; provide a criminal penalty for a utility or persons associated therewith to offer or give a thing of value to or for candidates for election to the commission or the office of director; provide a criminal penalty for a person to offer or give a thing of value to any person with the intent that such thing of value be used or expended for or on behalf of candidates for election to the commission or the office of director; provide a maximum limit for political contributions for a candidate for election to the commission or the office of director and to provide criminal penalties in regard to violations relating thereto; provide a criminal penalty for any person to offer, give or promise a thing of value to any commissioner, employee, agent of a commissioner or the commission, director, employee or agent of such director with intent to influence the same in official duties; provide a criminal penalty for any person to offer, give or promise a thing of value to a judge, justice, master or referee of any court or any employee or agent of any court with the intent that the public or official duties of such judge, justice, master, referee, employee or agent be influenced in regard to any appeal or other litigation affecting the commission or the commission's proceedings, orders or decisions; provide for a direct appeal to supreme court as a matter of right for cases regarding rates and charges of telephone companies and electric power companies and provide a preferred setting for same; provide time for taking such appeals and provide requirement of bond when appellant is utility or person; provide right of certain persons to appeal to supreme court actions and orders of commission; provide manner of making appeal of actions and orders of commission; provide for supersedeas bonds; allow the collection of denied rate increases by utilities prior to final disposition of cases; provide commission authority to supervise, regulate and control transportation companies and for the director to enforce; provide a criminal penalty for failure to file certain reports; provide a criminal penalty for failure to file required annual reports; provide a criminal penalty for falsifying entries; provide a criminal penalty for filing false returns or reports; provide a criminal penalty for filing false reports, returns, records, accountings, information or statements; provide a criminal penalty for obstructing any member of commission, its employees, agents or the director or any member, agent, employee of the office of director in discharge of duties; provide requirements that a utility or regulated business contracts for the purchase of fuel, goods, equipment, services and supplies through or on a competitive bid basis; provide a criminal penalty for any person demanding or accepting a rebate in respect to charges for services of a utility or

regulated business; provide a criminal penalty for any utility or regulated business to grant a rebate; provide a criminal penalty for any utility or regulated business to violate a commission order; provide authority and limitations for utilities and regulated businesses to exercise power of eminent domain; provide customers of utilities privacy in regard to certain records and provide a criminal penalty for their unlawful disclosure; provide for unlisted telephone numbers; provide restrictions and requirements regarding customer pre-connection service deposits; provide customers with the right of continuation of services; provide residents of this state access to non-utility property of utilities; provide criminal penalties for unlawful monitoring of customer's conversations; provide for criminal penalties in regard to certain ex parte communications by and between commissioners, employees and parties to commission proceedings; provide criminal offenses in regard to records of the commission; provide criminal offenses for commissioners, the director or their employees or agents soliciting or accepting things of value in return for official action; provide criminal offenses for judges, masters, referees or their employees or agents soliciting or accepting things of value in return for official action; provide a statute of limitation for felonies defined and described in this act; provide consumers the right to participate in commission hearings and proceedings; provide that certain public officials may initiate or intervene in certain cases or proceedings before the commission on behalf of consumers; provide for commission meetings to be open to the public and further provide criminal offenses in relation thereto; provide for the admissibility of certain testimony in criminal proceedings relating to this act; provide that witnesses be required to testify before grand jury to matters affecting the commission; provide a criminal penalty for conspiring to violate the felony provisions of this act; provide a criminal penalty for conspiring to violate the misdemeanor provisions of this act; repeal sections 37-1-12.1, 37-1-12.2, 37-1-91, 37-3-25(d), 37-4-17, 37-4-18, 37-4-19, 37-4-20, 37-4-21, 37-4-87(b), 37-8-3, 37-8-4 of the Code of Alabama, 1975; provide the right for attorney general, director of utility consumer representation, the district attorney of Montgomery county, any commissioner or consumer to intervene or initiate civil proceedings to compel compliance with this act; provide that the provisions of this act are severable; provide that the sections of this act are separable; repeal laws and parts of laws in conflict; provide an effective date for this act.

Be It Enacted by the Legislature of Alabama:

SECTION 1. Section 37-1-1, Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

"§ 37-1-1. Short title.

This act shall be know as the Alabama Utility Consumers Act."

SECTION 2. Section 37-1-2, Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

"§ 37-1-2. Declaration of policy.

(a) The legislature hereby finds, determines and declares the public policy of this state to be that the charges, tariffs, rates, profits and other compensation of public utilities are and ought to be intimately affected and involved with the public interest.

The legislature further finds, determines and declares that all public utilities, as defined herein, are by nature monopolistic and, when unchecked or unregulated, may be attended by the abuses and corrupting influences of monopolistic enterprise and operate adversely to the public interest.

The legislature further finds, determines and declares that, as a matter of public policy, the Alabama public service commission is and ought to be an agency of restraint which has as its chief responsibility and duty to preserve, promote and protect the interest of the consuming public through the regulatory process.

The legislature further finds, determines and declares that, as a matter of public policy of this state, all consumers and customers, as defined herein, ought to have certain unquestionable legal rights, the necessity of which is self-evident and that among those rights are the following:

(1) the absolute right to know under what circumstances political contributions are solicited, received, offered, accepted, generated and expended for and on behalf of Alabama public service commissioners or other public service commission officials which may hereafter be elected;

(2) the right of reasonable and equal access to utility services;

(3) the right to have utility service, once obtained, continued and not interrupted or terminated by a utility without just cause or without the due process of law;

(4) the right of participation in the utility regulatory process, individually or collectively;

(5) the right to a utility regulatory commission or other appropriate forum which is free from bias, prejudice, favoritism or conflict of interest;

(6) the right to be protected in their persons and property from unwarranted or oppressive exercise by utilities of the power of eminent domain;

(7) the right to privacy, both with respect to their use of utility services and with respect to their credit record with public utility companies;

(b) All of the provisions of this act shall be enforced and construed by the applicable governmental agencies and the courts of this state as aforesaid and to achieve the following:

(1) to provide for the regulation of public utilities in the interest of the consuming public;

(2) to promote adequate, reliable and economical utility service to all of the citizens and residents of this state;

(3) to provide reasonable rates and charges for public utility service;

(4) to avoid rates and charges which are oppressive to the consuming public;

(5) to expose, curtail and prohibit unsound business practices, destructive or deceptive trade practices, and undo preferences or advantages which are inconsistent with and adverse to the public interest;

(6) to avoid wasteful, extravagant and inefficient uses of energy;

(7) to foster the continued services of public utilities on a well-planned and coordinated basis which is consistent with the level of energy needed for the protection of public health and safety and for the promotion of the general welfare;

(8) to relate the rate of growth of energy-supply facilities serving the state to the requirements of statewide development;

(9) to encourage and promote harmony between public utilities, their users and the environment; and

(10) to cooperate with other states and with the federal government in promoting and coordinating interstate and intrastate public utility service and reliability of public utility energy supply."

SECTION 3. Section 37-1-3, Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

§ 37-1-3. Definitions.

Unless the context clearly requires otherwise, wherever used in this act in the singular or the plural case, the term:

(a) "Person" shall mean:

(1) a natural person or human being, individual, individual proprietorship, corporation, partnership, incorporated association, unincorporated association, joint stock association, trust, or any combination of individuals or organizations or anyone acting on behalf of any of the aforesaid which includes any attorney, broker or other agent, and further means any lessee, trustee, receiver or assignee; or

(2) the state of Alabama or any political subdivision thereof; or

(3) any natural person, corporation, partnership, business, sole proprietorship, trust, association or other legal entity capable of purchasing utility service;

(b) "Public utility" or "utility" shall mean:

(1) a person, or persons as defined above, whether organized and existing under the laws of this state or the laws of any other state or country, now or hereafter owning or operating in this state equipment or facilities for:

(A) producing, generating, transmitting, delivering or furnishing electricity, piped gas, steam or any other like agency for the production of light, heat or power to or the public for compensation; or

(B) diverting, developing, pumping, impounding, distributing or furnishing water to or for the public for compensation; less and except any county or municipal water facility furnishing water to the public for compensation, provided such water facility is wholly owned and operated by such county or municipality or any agency thereof; or

(C) transporting persons or property by street, suburban or interurban bus or railways for the public for compensation; or

(D) transporting persons or property by railways or motor vehicles, or any other form of transportation or express service to or for the public for compensation; except carpools involving six or less persons; or

(E) transporting or conveying gas, crude oil or other fluid substance by pipeline for compensation; except such transportation solely on the business premises of the owner; or

(F) conveying or transmitting messages or communications by telephone or telegraph, or any other means of transmission, where such service is offered to the public for compensation; or

(2) any person producing, generating or furnishing any of the foregoing services to another person for distribution or to or for the public for compensation; or

(3) all persons, individuals, partnerships, corporations, associations or organizations regulated by the Alabama public service commission as of the date on which this act becomes law;

provided, however, "public utility" or "utility" shall not mean persons who construct or operate in electric generating facility, the primary purpose of which facility is for such person's own use and not for the primary purpose of producing electricity, heat or steam for sale to or for the public for compensation; nor shall the term "public utility" or "utility" mean any energy facility which is owned or operated by any municipal corporation or consumer-owned cooperative electric utility in this state;

(c) "Security" shall mean any stock, stock subscription, stock option, stock certificate, note, bond, debenture, share, interest, mortgage, loan contract or agreement or evidence of indebtedness authorized, issued or executed by or on behalf of any utility, regulated business or holding company, less and except:

(1) mere customer or consumer deposits for regulated services or a customer's right to the refund of same;

(2) legally mandated refunds in connection with regulated rates and services;

(3) judgments obtained in civil actions for injury to person or property, or restitution ordered or obtained as a result of any criminal proceeding;

(d) "Stock" shall mean:

(1) any stock, stock subscription, or agreement in the nature of a stock subscription, any contract to purchase stock, any stock certificate or other evidence of stock ownership, any stock option or agreement in the nature of a stock option and any debenture which may be converted to any stock, stock option, contract to purchase stock or converted to any other form of stock ownership;

(2) any stock, shares or interest of such nature that the ownership or control of a majority thereof in number and amount, or in number or amount thereof, vests control and management of a utility, regulated business or holding company in the holders, controllers or owners thereof;

(e) "Holding company" shall mean any person or combination of persons, as defined, who directly or indirectly own, hold or control in number or amount five percent (5%) or more of any of the voting securities of any utility or regulated business;

(f) "Business regulated by the commission" or "regulated business" shall mean:

(1) any public utility; or

(2) any person or other business entity which is regulated by the Alabama public service commission as of the date of final passage of this act or which may be regulated thereafter;

(g) "Rate" shall mean every compensation, charge, fare, tariff, schedule, toll, rental and classification, or any of them, demanded, charged or collected by any utility or regulated business, for any service, product or commodity offered by it to the public, and any rules, regulations, practices or contracts affecting any such compensation, charge, fare, tariff, schedule, toll, rental or classification;

(h) "Service" shall mean any service furnished by a utility or regulated business, including any commodity furnished as a part of such service and any ancillary service or facility used in connection with such service;

(i) "Commission" shall mean the Alabama public service commission or any board, agency or any commission which may hereafter succeed the Alabama public service commission or which shall hereafter be created by law for the purpose of assuming or exercising any of the powers, duties and responsibilities of the Alabama public service commission;

(j) "Commissioner" shall mean any natural person who has been elected or appointed to the Alabama public service commission or any board, agency or any commission which may hereafter succeed the Alabama public service commission or which shall hereafter be created by law for the purpose of assuming or exercising any of the powers, duties and responsibilities of the Alabama public service commission;

(k) "President" shall mean the president of the Alabama public service commission;

(l) "Director" shall mean the director of utility consumer representation;

(m) "Consumer" shall mean any person who is not a person associated with a utility or regulated business or a person having a pecuniary interest in a utility or regulated business and who merely contracts for a regulated service which is provided by such utility or regulated business;

(n) "Customer" shall mean the person in whose name services are purchased, or in the case of a natural person obtaining residential service, that person's spouse residing in the same residence;

(o) "Consuming public" shall mean all persons who are consumers as defined by this act;

(p) "Person having a pecuniary interest in a utility or regulated business" shall mean:

(1) any person who has a direct financial or monetary interest in a utility or regulated business or holding company other than any such interest which may be created by a contract or an agreement by and between a mere consumer and a utility or regulated business for the provision of a regulated service to a consumer;

(2) any person who directly or indirectly owns, operates or controls in whole or in part a utility, regulated business or holding company;

(3) any person who directly or indirectly owns, holds or controls any securities of a public utility, regulated business or holding company, or is entitled to exercise directly or indirectly the voting rights of any securities of a public utility, regulated business or holding company;

(4) any person who is an employee, agent, broker, consultant or attorney of a public utility, regulated business or holding company;

(5) any attorney who represents any public utility, regulated business or holding company or retains any financial or monetary interest in any partnership or professional corporation which represents any utility, regulated business or holding company;

(6) any person who receives or is entitled to receive any wages, earnings, fees, dividends or other income from a public utility, regulated business or holding company less and except:

(A) a person who only receives or is only entitled to receive a mere refund of a customer or consumer deposit for regulated services; or

(B) a person who only receives or is only entitled to receive a legally mandated refund in connection with regulated rates or services; or

(C) a person who has only obtained or is only entitled to obtain payment on a claim or judgment for injury to person or property or payment of restitution ordered or obtained as a result of any criminal proceeding;

(7) any person who is a trustee or beneficiary of any trust which owns, operates or controls, in whole or in part, a public utility, regulated business or holding company;

(8) any person who is a trustee or beneficiary of any trust which owns, holds or controls any stock in a public utility, regulated business or holding company, or who is a trustee or beneficiary of any trust which is entitled to exercise the voting rights of any stock or securities in a public utility, regulated business or holding company;

(9) any person who holds, owns or controls any stock or security of a utility, regulated business or holding company, or is entitled to exercise the voting rights of any stock or security of a utility, regulated business or holding company;

(10) any person who has an employment, management or consultant contract or an agreement in the nature of an employment, management or consultant contract with a utility, regulated business or holding company;

(q) "Oral communication" shall mean any oral communication whatsoever, whether tacit, implied or express, including but not limited to any conversation, consultation, meeting, code, signal, disclosure or discussion by telephone or otherwise;

(r) "Written communication" shall mean any communication other than oral communications and includes any note, memorandum, letter, correspondence, telegraph, cable or cablegram, or other writing of any nature, kind or description;

(s) "Family" shall mean natural persons who are married to one another and their natural or adopted children;

(t) "Person associated with a utility or regulated business" shall mean:

(1) any person who is an owner, employee, manager, officer, consultant, agent, broker, attorney or director of a utility, regulated business or holding company, including a member or such person's family if such person is a natural person; or

(2) any person who owns, holds or controls, directly or indirectly, any stock in or is entitled, directly or indirectly, to exercise the voting rights of any securities of a public utility or regulated business, including a member of such person's family if such person is a natural person; or

(3) any person who is an owner, employee, manager, officer, consultant, agent, broker, attorney or director of any holding company, including a member of such person's family if such person is a natural person; or

(4) any person, as defined herein, who agrees or contracts to furnish any goods, labor or services to any public utility or regulated business, the market value of which in an aggregate amount exceeds \$25,000.00 per year, including a member of such person's family if such person is a natural person; or

(5) any person who directly or indirectly owns, holds or controls any stock in a public utility, regulated business or holding company or is entitled to exercise, directly or indirectly, the voting rights of any securities in a public utility, regulated business or holding company, less and except a natural person who only owns, holds or controls less than one-tenth (1/10) of one percent (1%) of any stock in a corporation which is holding company; provided, such corporation's stock and securities are listed or approved for listing upon notice of issuance on the New York Stock Exchange or American Stock Exchange or any other national securities exchange which is registered pursuant to the provisions of the Securities and Exchange Act of 1934, as amended (15 U.S.C. § 78(a) et. seq.); or

(6) any person who is an employee, agent, broker, consultant or attorney of a public utility, regulated business or holding company; or

(7) any person who receives or is entitled to receive any wages, earnings, dividends or other income from a public utility, regulated business or holding company, less and except a natural person who only receives or is entitled to receive retirement or pension benefits from a utility, regulated business or holding company provided such person has a vested right to receive such benefits pursuant to a pension plan or program which had been established and approved pursuant to the provisions of Title 29, U.S.C. §1001, et. seq. (Employees Retirement Income Security Act, 1974); or

(8) any person who is a trustee or beneficiary of any trust which owns, operates or controls, in whole or in part, a utility or regulated business; or

(9) any person who is a trustee or beneficiary of any trust which holds, owns or controls any stock of a utility or regulated business, or who is a trustee or beneficiary of any trust which is entitled to exercise the voting rights of any securities of a utility or regulated business; or

(10) any attorney who represents any utility, regulated business or holding company or any attorney who is an employee of, member or partner in any law firm, partnership or professional association which represents any utility, regulated business or holding company; or

(11) any person who has an employment, management or consultant contract or an agreement in the nature of an employment, management or consultant contract with a utility, regulated business or holding company;

(u) "Ex parte communication" shall mean:

(1) any oral communication made, directly or indirectly, by a party or a principal in a matter or proceeding pending before the Alabama public service commission or by one acting on behalf of such party or principal to an employee or member of such commission which in any way pertains to the merits of such matter or proceeding when such communication was made in the absence of and without the consent of all other parties and principals to such proceedings; or

(2) any oral communication made, directly or indirectly, by an employee or member of the Alabama public service commission or one acting on behalf of such employee or member to a party or principal in a matter or proceeding pending before such commission or one acting on behalf of such party or principal in regard to the merits of such matter or proceeding, when such communication was made in the absence of and without the consent of all other parties and principals to such matters or proceedings; or

(3) any written communication of any description made, directly or indirectly, by a party or principal in a matter or a proceeding pending before the Alabama public service commission or by one acting on behalf of such party or principal which in any way pertains to the merits of such matters or proceedings to an employee or member of such commission without having a copy of such communication served upon all other parties and principals of such proceedings simultaneously with or prior to the receipt of such written communication by such employee or member of such commission; or

(4) any written communication of any description made, directly or indirectly, by an employee or member of the Alabama public service commission or by one acting on behalf of such employee or member to a party or principal or one acting on behalf of a party or principal to a matter or proceeding pending before such commission without having a copy of such communication served upon all other parties or principals of such proceedings simultaneously with or prior to the receipt of such communication by such party or principal;

(v) "Election" shall mean:

(1) any general, special, primary or runoff election to elect a person to the commission or to the office of director; or

(2) any convention or caucus of a political party to nominate a person for elective office on or in the commission or for the elective office of director; or

(3) any general, special, primary or runoff election to elect a person who is an incumbent commissioner or the incumbent director to any public office; or

(4) any convention or caucus of a political party to nominate a person who is an incumbent commissioner or the incumbent director to any public office;

(w) "Political contribution" shall mean:

(1) all property, real or personal, or the use thereof, given, provided or furnished without fee, charge, cost or compensation, or at a fee, charge, cost or compensation less than the market value thereof, for the purpose of influencing or endeavoring to influence the result of an election, or used in any way for such purpose; or

(2) any thing of value, including but not limited to any money, funds, subscription, deposit of money, negotiable instrument, loan, advance, discharge or assumption of debt or any portion of debt, labor or service given, provided or furnished without fee, charge, cost or compensation, or at a fee, charge, cost or compensation less than the market value thereof, for the purpose of influencing or endeavoring to influence the result of an election, or used in any way for such purpose; or

(3) any thing of value given, provided or furnished after an election, including but not limited to any money, funds, subscription, deposit of

money, negotiable instrument, loan, advance, credit, labor or service given, provided or furnished without fee, charge, cost or compensation, or at a fee, charge, cost or compensation less than the market value thereof, which is used or intended to be used in discharging, assuming, retiring, satisfying, clearing or extinguishing any indebtedness, obligation or liability or any portion thereof, which was received or used during or prior to an election for the purpose of influencing or endeavoring to influence the result of an election;

(x) "Expenditure" or "expense" shall mean:

(1) any purchase, payment, distribution, loan, advance, deposit or gift of money, labor, goods, services, equipment or any thing of value made for the purpose of influencing or endeavoring to influence the result of an election, or used in any way for such purpose; or

(2) a contract, promise or agreement, express or implied, whether or not legally enforceable, to make any purchase, payment, distribution, loan, advance, deposit or gift of money, or any thing of value, for the purpose of influencing or endeavoring to influence the result of an election, or used in any way for such purpose; or

(3) the transfer of funds by a political committee to another political committee;

(4) "Expenditure" shall not mean:

(A) any news story, commentary or editorial prepared by and distributed through the facilities of any broadcasting station, newspaper, magazine or other periodical publication unless such facilities are owned or controlled by any political party or political committee;

(B) nonpartisan activity designed to encourage individuals to register to vote, or to vote;

(C) any communication by any membership organization to its members if such membership organization is not organized primarily for the purpose of influencing the result of an election; and

(D) the payment by a state or local committee of a political party of the costs of preparation, display or mailing or other distribution incurred by such committee with respect to a printed slate card or sample ballot, or other printed listing of two or more candidates for any public office for which an election is held in the state, except that this clause shall not apply in the case of costs incurred by such committee with respect to a display of any such listing made on broadcasting stations or in newspapers, magazines or other similar types of general public political advertising;

(y) "Candidate" shall mean a natural person who has:

(1) taken action necessary under the laws of the state to qualify himself or herself for nomination or election to the commission or to the office of director; or

(2) been elected or appointed to the commission or to the office of director and taken action necessary under the laws of the state to qualify himself or herself for nomination or election to any public office; or

(3) received a political contribution or made an expenditure, directly or indirectly, the purpose or use of which was in any way to aid or assist in furthering, promoting, securing or bringing about such person's nomination or election to the commission or to the office of director; or

(4) been elected or appointed to the commission or to the office of director and received a political contribution or made an expenditure, directly or indirectly, the purpose or use of which was in any way to aid or assist in furthering, promoting, securing or bringing about such person's nomination or election to any public office; or

(5) given his or her consent, directly or indirectly, for a person other than himself or herself to receive a political contribution or make an expenditure, the purpose or use of which was in any way to aid or assist in furthering, promoting, securing or bringing about his or her nomination or election to the commission or to the office of director; or

(6) been elected or appointed to the commission or to the office of director and given his or her consent, directly or indirectly, for a person other than himself or herself to receive a political contribution or make an expenditure, the purpose or use of which was in any way to aid or assist in furthering, promoting, securing or bringing about his or her nomination or election to any public office;

(z) "Political committee" shall mean any political party, committee, club, association, principal campaign committee or other group of two or more persons which receives contributions or makes expenditures for the purpose of influencing or endeavoring to influence the result of an election;

(aa) "Principal campaign committee" shall mean the principal campaign committee designated by a candidate pursuant to section 56 of this act;

(bb) "Secretary of state" shall mean the secretary of state of the state of Alabama;

(cc) "State" shall mean the state of Alabama;

(dd) "Identification" shall mean the full name, complete residence address, complete business address and occupation;

(ee) "Attorney" shall mean an attorney at law licensed to practice by the state of Alabama or any other state or federal licensing authority or a person who for compensation appears on behalf of another person or represents another person in any commission cause, action, hearing or proceeding."

SECTION 4. Section 37-1-4, Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

"§37-1-4. Commission established; election or appointment of commissioners; qualifications; terms of office; filling of vacancies; salaries; residence of commissioners; whole time to be devoted to official business.

(a) The Alabama public service commission shall consist of five members who shall be qualified electors of this state.

(b) No two of said public service commissioners shall be elected or appointed from the same congressional district. But this section shall not disqualify or render ineligible for election or appointment any person holding such office on the date of enactment or effective date of any law redistricting the state for election of representatives in congress.

(c) No person shall be deemed qualified or eligible to hold office as a member of the Alabama public service commission who has been convicted of

a felony or a crime involving moral turpitude, or who is a person having a pecuniary interest in a utility or regulated business or who is a person associated with a utility or regulated business or who has, during such person's term of office or at any time prior thereto in connection with such person's candidacy for or appointment to such office, solicited or accepted any gift, gratuity, thing of value, loan, employment or promise of employment, or political contribution from any person associated with a utility or regulated business or from any public utility, regulated business or holding company. Any person holding office contrary to the provisions hereof shall be removed from office forthwith upon proper legal proceedings brought in the name of the state of Alabama by the attorney general or the district attorney of Montgomery county.

(d) The terms of the commissioners and president now serving shall expire at the conclusion of the respective terms for which they were elected.

(e) In order to increase the number of commissioners to five, the permanent legislative oversight committee, as hereafter established shall within 30 days from the effective date of this act furnish to the governor a list consisting of not less than three qualified persons for each commissioner position to be filled. The governor shall within 30 days from the date of the receipt of such list or lists select therefrom qualified persons from separate congressional districts not having a resident thereof presently serving on the commission who shall serve as commissioner until his or her successor shall be elected or appointed as provided herein.

The said commissioners shall serve on an interim basis until the first Monday after the general election held in this state in November, 1982, when their successors shall be elected and qualified. The said commissioners together with the now existing public service commission members shall constitute the Alabama public service commission.

In the event that the governor shall fail to appoint any commissioner within the time prescribed herein, the permanent legislative oversight committee, as hereinafter established, shall forthwith make such appointment.

(f) In the general election to be held in this state on the first Tuesday after the first Monday in November, 1982, and every four years thereafter, three qualified persons shall be elected to commissioner place numbers one, two and three by the qualified electors of this state. The persons elected to fill such offices shall enter upon the discharge of their respective duties on the first Monday after the general election in which they were elected and such duties shall expire on the first Monday after the general election in the fourth year after their election.

(g) In the general election to be held in this state on the first Tuesday after the first Monday in November, 1982, one qualified person shall be elected to commissioner place number four by the qualified electors of this state. The person elected to fill said office shall enter upon the discharge of his or her duties on the first Monday after the general election in which he or she was elected and such duties shall expire on the first Monday after the general election held in this state in November, 1984, when his or her successor shall be elected and qualified.

(h) In the general election to be held in this state on the first Tuesday after the first Monday in November, 1984, and every four years thereafter, two qualified persons shall be elected to commissioner place numbers four and five by the qualified electors of this state. The persons elected to fill said offices shall enter upon the discharge of their respective duties on the first

Monday after the general election in which they were elected, and such duties shall expire on the first Monday after the general election in the fourth year after their election when their successors shall be elected and qualified.

(i) Upon the expiration of the term of the now serving president of the Alabama public service commission, and within seven days after the commissioners elected in the November, 1984 general election enter upon the discharge of their respective duties, all the members of the said commission shall elect one member to serve as president of the commission for a period of one calendar year. The person so elected as president shall assume the powers, authorities and duties of the president of the public service commission immediately upon his or her election by the commission, and his or her successor shall be elected immediately upon the expiration of the calendar year for which he or she serves. No member shall succeed himself or herself as president of the commission.

(j) If any vacancy should occur in any one of the said offices caused by death, resignation or otherwise, the permanent legislative oversight committee, as hereinafter established, shall furnish to the governor a list of not less than three qualified persons for each commissioner position wherein a vacancy occurs. The governor shall, within 30 days from the date of the receipt of such lists or lists, select therefrom one qualified person who shall serve as such commissioner until his or her successor shall be elected or appointed; provided, however, no such person shall hold office beyond the date of the next general election after the date on which such person has been appointed.

In the event the governor shall fail to make any appointment for any such vacancy within the time prescribed herein, the permanent legislative oversight committee, as hereinafter established, shall forthwith make such appointment.

(k) Each commissioner shall receive a salary of \$38,000.00 per annum.

(l) Each member of the commission shall have no other employment and shall devote his or her entire time to his or her official business, and shall reside at the state capital during the time he or she continues in office, except during epidemics or other natural disasters."

SECTION 5. Section 37-1-5, Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

"§37-1-5. Commissioner's oath.

Each member of the commission elected or appointed hereafter shall before entering upon the duties of such office subscribe to an oath of office, as follows:

"I, _____, do solemnly swear that I will support the Constitution of the United States of America and the constitution and laws of the state of Alabama so long as I remain a citizen thereof, and that I am not a person having a pecuniary interest in a utility or regulated business or a person associated with a utility or regulated business, and that I have not at any time prior hereto in connection with my candidacy for this office or in seeking appointment to this office solicited or accepted, directly or indirectly, any gift, gratuity, thing of value, loan, employment or promise of employment or political contribution from any public utility or regulated business or holding company, or from a person associated with a utility or regulated business, and that I will faithfully and honestly discharge the duties of this office upon which I am about to enter, so help me God."

SECTION 6. Section 37-1-6, Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

"§37-1-6. President to direct commission.

(a) To facilitate the work of the commission and for administrative purposes, the president shall be the chief executive and administrative officer of the commission.

(b) The president shall set a time for hearing of all matters, proceedings, causes, actions or cases before the commission."

SECTION 7. Section 37-1-7, Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

"§37-1-7. Employees—Appointment or employment; hearing examiners; secretary of commission.

(a) Each commissioner is authorized and empowered to appoint or employ an executive assistant and a clerk stenographer, both of whom shall serve at the pleasure of the commissioner by whom he or she was appointed or employed. The position of each said employee shall be categorized as exempt for purposes of the Alabama merit system act.

(b) The executive director of the state ethics commission shall establish qualifications for hearing examiners and shall furnish to the commission a list of attorneys who are licensed to practice by the supreme court of the state of Alabama and who, in the opinion of the said executive director, meet the said qualifications. Further, the executive director shall certify that such attorneys are not persons having a pecuniary interest in a utility or regulated business and are not persons associated with a utility or regulated business. From such a list of qualified attorneys, the commission shall appoint or employ such hearing examiners as may be needed to conduct all matters or proceedings before the commission. The said list shall contain not less than five qualified attorneys for each hearing examiner position sought to be filled.

It shall be the duty of the said hearing examiners to conduct all hearings before the commission. In addition, the hearing examiners shall assist the commission in drafting the final order in all cases, proceedings or actions before the commission. Such final orders shall be drafted in accordance with the final decision of the commission in such case, proceeding or action, or in accordance with the directions of the commission.

(c) The commission shall employ a secretary or chief clerk who shall be a classified employee under the provisions of the Alabama merit system act. Such secretary or chief clerk shall keep, preserve and maintain in the commission offices all records of the commission's official acts, rulings, findings, orders, decisions and transactions, as well as a complete transcript of all pleadings, testimony and proceedings before the commission or any hearing examiner, together with a calendar or a docket of the commission's scheduled activities. All records shall be public records and open for inspection or copying during normal business hours.

(d) No person having a pecuniary interest in a utility or regulated business or person associated with a utility or regulated business shall be deemed eligible or qualified to be appointed or employed by the commission.

(e) No person who has been employed by a public utility shall be deemed eligible or qualified for appointment to or employment with the commission until a period of two years has passed from the time of termination of such person's employment with the public utility."

SECTION 8. Section 37-1-8, Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following

§37-1-8. Commission seal; secretary to be keeper.

(a) The commission shall have a seal with the words "Alabama Public Service Commission" with such emblem as the commission may prescribe.

(b) The secretary of the commission shall be the keeper of the official seal and upon request shall affix the same on copies of any commission records for the purpose of certification."

SECTION 9. Section 37-1-9, Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

§37-1-9. Impeachment and removal of commissioners.

(a) The commissioners shall be impeached and removed from office by the supreme court for the same causes and in the same manner as other state officers; and any commissioner who has been convicted of a felony or a crime involving moral turpitude or who is a person having a pecuniary interest in a utility or regulated business or is a person associated with a utility or regulated business or who has, during such commissioner's term of office or at any time prior thereto in connection with such commissioner's candidacy for or appointment to such office, solicited or accepted any gift, gratuity, thing of value, loan, employment or promise of employment or political contribution from a public utility, regulated business or holding company or from a person associated with a utility or regulated business shall be deemed to have forfeited such office and shall, if not otherwise removed from office, be impeached by proper legal proceedings brought in the name of the state of Alabama by the attorney general or the district attorney of Montgomery county."

SECTION 10. Section 37-1-10, Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

§37-1-10. Office of director of utility consumer representation established; qualifications; election and appointment of director; term of office; filling of vacancy; salary; residence of director; whole time to be devoted to official business.

(a) There is hereby established the office of director of utility consumer representation which shall be filled by a qualified elector of this state.

(b) No person shall be eligible to hold the office of director of utility consumer representation who has been convicted of a felony or a crime involving moral turpitude, or who is a person having a pecuniary interest in a utility or regulated business or who is a person associated with a utility or regulated business, or who has, during such person's term of office or at any time prior thereto in connection with such person's candidacy for or appointment to such office, solicited or accepted any gift, gratuity, thing of value, loan, employment or promise of employment or political contribution from a

public utility, regulated business or holding company or from a person associated with a utility or regulated business. Any person holding office contrary to the provisions hereof shall be removed from office forthwith upon proper legal proceedings brought in the name of the state of Alabama by the attorney general or the district attorney of Montgomery county.

(c) The director of utility consumer representation shall be elected by the qualified electors of this state in the general election to be held in this state on the first Tuesday after the first Monday in November, 1982, and every four years thereafter. The term of office for the director of utility consumer representation shall be for four years; and the director shall enter upon the discharge of his or her duties on the first Monday after the general election in which such director was elected.

(d) Within 30 days of the effective date of this act, the permanent legislative oversight committee shall furnish to the governor a list consisting of not less than three qualified persons from which the governor shall, within 30 days from the date of the receipt thereof, select one such person who shall serve as the director, and he or she shall enter upon the discharge of his or her respective duties on the date of such appointment and such duties shall expire on the first Monday after the general election in November, 1982.

(e) In case of a vacancy in the office of the director of utility consumer representation caused by death, resignation or otherwise, the permanent legislative oversight committee shall, within 30 days from the date of such vacancy, furnish to the governor a list consisting of not less than three qualified persons from which the governor shall, within 30 days from the date of the receipt thereof, select one such person who shall serve as the director until the first Monday after the next general election held after the date of such appointment.

In the event that the governor shall fail to appoint the director within the time herein prescribed, the permanent legislative oversight committee shall forthwith make such appointment.

(f) The director shall receive a salary in the amount of \$42,500.00 per annum.

(g) The director shall have no other employment and shall devote his or her entire time to official business, and shall reside at the state capital during the time he or she continues in office, except during epidemics or other natural disasters."

SECTION 11. Section 37-1-11, Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

"§37-1-11. Legislative oversight committee for utility consumers established; election of members; terms; filling of vacancies; duties.

(a) There is hereby established a permanent legislative oversight committee for utility consumers which shall be composed of three members of the state senate and three members of the state house of representatives elected by the members of their respective legislative bodies.

Each legislative body shall, by appropriate rule and resolution, set a date and time certain for the purpose of conducting such election for membership on the committee.

The members of such committee shall serve for a period not to exceed the balance of their unexpired terms of office.

(b) No person shall be eligible to serve on the permanent legislative oversight committee who is a person having a pecuniary interest in a utility or regulated business or is a person associated with a utility or regulated business or who is or has been an agent, employee, broker, consultant or attorney of a utility, regulated business or holding company.

(c) In the event of a vacancy in the membership of the committee caused by death, resignation or otherwise, the position shall be filled by a member of the legislature who shall be elected by the legislative body represented by the vacating member.

(d) It shall be the duty of such legislative oversight committee to furnish the names of qualified individuals to the governor for purposes of appointing the director of utility consumer representation and members of the commission on an interim basis and thereafter whenever a vacancy arises in any such office caused by death, resignation or otherwise.

(e) The permanent legislative oversight committee shall report to the legislature or the governor at the request of either or both.

(f) Members of the permanent legislative oversight committee shall be entitled to their regular legislative compensation, per diem and travel expenses for each day of actual attendance at committee meetings, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that such members shall not receive additional legislative compensation or per diem when the legislature is in session."

SECTION 12. Section 37-1-12, Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

"§37-1-12. Director's oath.

The director of utility consumer representation elected or appointed hereafter shall before entering upon the duties of such office subscribe to an oath of office, as follows:

"I, _____, do solemnly swear that I will support the Constitution of the United States of America and the constitution and laws of the state of Alabama so long as I remain a citizen thereof, and that I am not a person having a pecuniary interest in a utility or regulated business, nor am I a person associated with a utility or regulated business, and that I have not, at any time prior hereto in connection with my candidacy for this office or in seeking appointment to this office, solicited or accepted, directly or indirectly, any gift, gratuity, thing of value, loan, employment or promise of employment or political contribution from any public utility, regulated business or holding company or from a person associated with a utility or regulated business, and that I will faithfully and honestly discharge the duties of this office upon which I am about to enter, so help me God."

SECTION 13. Section 37-1-13, Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

"§37-1-13. Duties and responsibilities of director and staff.

It shall be the duty and responsibility of the director of utility consumer representation and all other employees under such director's supervision:

(1) to continually preserve, promote and protect the interest of the consuming public in all matters or proceedings before the commission or any commissioner or hearing examiner and in all courts wherein any appeal has been taken from any commission's or hearing examiner's findings of fact, ruling, order or decision;

(2) to review, investigate and make recommendations to the commission with respect to the reasonableness of rates charged or proposed by any public utility, at all times protecting the interest of the consuming public;

(3) to at all times and in all legal proceedings resist and endeavor to deter rates and charges which are oppressive to the consuming public;

(4) to locate, identify and expose all issues in any legal proceeding in which the consuming public shall have an interest and to intervene therein on behalf of same;

(5) to initiate any legal proceeding on behalf of the consuming public before the commission, courts or other governmental agency;

(6) to expose, curtail, resist and endeavor to deter all unsound business practices, destructive or deceptive trade practices and undue preferences or advantages of any public utility or regulated business which are inconsistent with and adverse to the public interest;

(7) to expose and resist wasteful, extravagant and inefficient uses of energy;

(8) to review, investigate and make appropriate recommendations to the commission with respect to the service furnished, or proposed to be furnished, by any public utility;

(9) to intervene on behalf of the consuming public in all commission proceedings affecting the rates or service of any public utility;

(10) when deemed necessary by the director in the interest of the consuming public, to petition the commission to initiate proceedings to review, investigate, and take appropriate action with respect to the rates or service of public utilities;

(11) to intervene on behalf of the consuming public in all proceedings wherein any public utility proposes to reduce or abandon service to the public;

(12) to investigate complaints affecting the consuming public generally which are directed to the commission, members of the commission, or the office of the director of utility consumer representation and make written recommendations to the commission with respect to such complaints;

(13) to make studies and recommendations for the commission with respect to standards, regulations, practices or service of any public utility within the jurisdiction of the commission;

(14) to intervene on behalf of the consuming public in commission proceedings with respect to transfers or franchises, mergers, consolidations and combinations of public utilities;

(15) to investigate and make appropriate recommendations to the commission with respect to applications for certificates by radio common carriers within the jurisdiction of the commission;

(16) to review, investigate and make appropriate recommendations to the commission with respect to contracts of public utilities with affiliates or subsidiaries;

(17) to intervene on behalf of the consuming public in all cases, proceedings, causes, actions, hearings and other matters pending before the commission or the courts or to initiate the same;

(18) to make economic and financial studies and surveys of the public utility services in the state and evaluations of future needs for such services and to compile financial and economic data, statistics and analyses on such services. Such information shall be kept on file for reference or use by the commission or the public;

(19) to submit to the secretary of the commission a certified statement which identifies and delineates all the issues having a bearing, impact or effect upon the consuming public in all matters or proceedings pending before the commission; provided, however, in cases in which the director determines that a matter or proceeding pending before the commission entails no issues which may have an effect, impact or bearing upon the consuming public of this state, he shall file with the secretary of the commission an affidavit that no such issue exists in any such proceeding;

(20) to appear before the appropriate grand juries of this state and disclose, divulge, expose or reveal any criminal violation of this act which may come to his knowledge;

(21) to furnish at the director's discretion information and reports to the commission, the legislature, the attorney general and the district attorney of Montgomery county;

(22) to seek enforcement of all commission orders, rules and regulations in all courts of this state, as well as in any federal court or agency whenever appropriate."

SECTION 14. Section 37-1-14, Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

"§37-1-14. Director - Authority to appoint or employ staff; personnel subject to director's supervision; transfer of public service commission employees to director's office; director to approve official travel and other related expenses of staff.

(a) The director shall have the power and authority to appoint or employ an executive assistant, a clerk stenographer and a staff of licensed attorneys who shall serve at the pleasure of the director. The said employees shall be categorized as exempt employees for the purposes of the Alabama merit system act.

(b) In addition to the personnel described above, the director shall have the power and authority to appoint or employ, in compliance with the Alabama merit system act, such other professional, administrative, technical and clerical personnel as may be necessary in order to promote the interest of the consuming public. Such personnel shall be classified employees within the purview of the Alabama merit system act.

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All personnel appointed or employed in the office of the director of utility consumer representation shall be subject to the supervision, direction and control of the director.

(c) All employees of the Alabama public service commission whose positions are presently categorized as classified service within the purview of the Alabama merit system act shall be transferred to the office of the director of utility consumer representation and shall be subject to the supervision, direction and control of the director, except that hearing examiners, the secretary of the commission and clerical personnel under the supervision of the secretary shall remain subject to the supervision, direction and control of the commission.

(d) The director, within established budgetary limits, shall authorize and approve travel, subsistence and related expenses of himself or herself or the employees of the office of the director of utility consumer representation incurred while traveling on official business.

(e) No person having a pecuniary interest in a utility or regulated business nor a person associated with a utility or regulated business shall be eligible for employment with the director or the office of the director."

SECTION 15. Section 37-1-15, Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

"§37-1-15. Office of the director - Seal; director to designate keeper of seal; public records.

(a) The office of the director shall have a seal with the words "Office of the Director of Utility Consumer Representation" with such emblem as the director may prescribe.

(b) The director shall designate a clerk who shall be the keeper of the official seal. Upon request, the said clerk shall affix the seal of office on copies of any records of the office of the director for the purpose of certification.

(c) The records of the office of the director shall be public records and open for inspection or copying during normal business hours."

SECTION 16. Section 37-1-16, Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

"§37-1-16. Impeachment or removal of director.

The director shall be impeached and removed from office by the supreme court for the same causes and in the same manner as other state officers; and any director who has been convicted of a felony or a crime involving moral turpitude, or who is a person having a pecuniary interest in a utility or regulated business or who is a person associated with a utility or regulated business or who has during his or her term of office, or at any time prior thereto in connection with such director's candidacy for or appointment to such office, solicited or accepted any gift, gratuity, thing of value, loan, employment or promise of employment or political contribution from a utility, regulated business or holding company or a person associated with a utility or regulated business shall be deemed to have forfeited such office and shall, if not otherwise removed from office, be impeached by proper legal proceedings brought in the name of the state of Alabama by the attorney general or the district attorney of Montgomery county."

SECTION 17. Section 37-1-17, Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

"§37-1-17. Assignment of assistant attorney general to represent consumers and state in proceedings before commission; powers and duties of attorney general in connection with public utility services generally; commission to furnish copies of applications, pleadings and other papers filed with it to attorney general.

(a) In addition to the director and his or her staff, the attorney general may assign an assistant attorney general and such staff attorneys as may be necessary for the handling of matters and proceedings before the commission, who shall be under the direction of the attorney general. Such assistant attorney general shall be assigned the duty and responsibility, when the attorney general deems it to be advisable in the public interest, of intervening in proceedings before the commission on behalf of the consuming public, including utility users generally and agencies of the state, such appearances shall include but not be limited to, rate applications, rate changes and curtailments of service. Such assistant attorney general shall also have the authority to institute and originate proceedings before the commission in the name of the state, its agencies and citizens in all matters within the jurisdiction of the commission, and shall have authority to appear before such other state and federal agencies and courts as he deems advisable on behalf of the state and its agencies and citizens in all matters affecting public utility services. He may have the assistance and cooperation of the director's staff, when available, and access to the books, records, studies and reports of the director, the commission and their staffs.

(b) In the performance of the duties set forth in this section, the attorney general shall have the right to employ additional attorneys, expert witnesses, office and clerical help and to incur expenses in connection therewith; and the compensation and expenses therefor shall be paid from the state general fund as approved by the governor.

(c) The commission shall furnish the attorney general with copies of all applications, petitions and pleadings filed with it by the public utilities doing business in this state or by any other persons in matters affecting the duties under this section."

SECTION 18. Section 37-1-18, Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

"§37-1-18. Consumer's utility rate hearing fund.

(a) Each fiscal year, excluding the fiscal year of enactment of this section, there shall be appropriated from the state general fund the sum of \$250,000.00 or more which shall be immediately deposited into a consumer's utility rate hearing fund in the state treasury, to be drawn upon by the director of utility consumer representation for the purpose of hiring attorneys, professional, technical and administrative personnel and expert witnesses to present the case for the consumer in utility rate increase hearings and all appeals arising therefrom.

(b) In addition to the funding provided by subsection (a), any and all funds in the currently existing consumer's utility rate hearing fund shall be made available to the director for the purposes mentioned in subsection (a) for the remainder of the year in which this section is enacted."

SECTION 19. Director's rights of appeal.

The director shall have the same rights of appeal from commission orders or decisions as other parties to commission proceedings.

SECTION 20. Bond for commissioners, director or employees.

Any member or employee of the Alabama public service commission, the director of utility consumer representation or employee of the office of the director who has custody, control, supervision or accountability of public funds or in any way handles or approves the expenditure of such public funds, shall, before the entry upon such duties, execute to the state of Alabama a bond, to be approved by the governor in an amount fixed by the public service commission and the director, for the faithful performance of his or her duties.

SECTION 21. Commission office; meetings; domicile; quorum of four commissioners.

(a) The commissioners shall have an office in Montgomery, Alabama. The commission shall meet on each Monday of every month and shall remain in session until all business before them is completed. One meeting each month shall begin at seven o'clock p.m. and other meetings shall be held at such times and places as may be necessary for the proper discharge of the commission's duties or as the convenience of parties, in the judgment of the commission, may require.

(b) The domicile of the public service commission is fixed at the capital of the state of Alabama, Montgomery county, and no courts of the state other than those of Montgomery county shall have or take jurisdiction in any civil action or proceeding brought by or instituted against said commission unless otherwise expressly authorized by this code.

(c) No matter shall be heard before the commission without a quorum of four commissioners present; provided, however, that upon request of the director of utility consumer representation any matter must be heard before the entire commission.

SECTION 22. Commission to exercise judicial functions.

For the purpose of conducting hearings, making decisions and issuing orders and in formal investigations where a record is made of testimony under oath, the commission shall be deemed to exercise functions judicial in nature and shall have all the powers and jurisdiction of a court of general jurisdiction as to all subjects over which the commission has or may hereafter be given jurisdiction by law. The commissioners and the attorneys who are appointed or employed as hearing examiners shall have full power to administer oaths and to hear and take evidence. The commission shall render its decisions upon questions of law and of fact in the same manner as a court of record. Four of the commissioners shall constitute a quorum, and any order or decision of a majority of the quorum of commissioners shall constitute the order or decision of the commission. Until such time as the commission is increased in number to a five member commission as provided by this act, the existing commission shall exercise the powers and authorities granted herein as a three member panel.

SECTION 23. Commission orders - Findings of fact required; no changes in rates or schedules without commission approval.

Whenever, upon an investigation made under the provisions of this title, the commission shall find any existing rate or rates or any regulation or

practice whatsoever or any service unreasonable or unjustly discriminatory, or any service inadequate, it shall so determine and by order fix, to the extent that it is within its power to do so, a reasonable rate, fare, charge, classification or joint rate as between like carriers, to be imposed, observed and followed in the future in lieu of that found to be unreasonable or unjustly discriminatory or inadequate, as the case may be. In order to be valid, each commission order must contain findings of fact which are based upon evidence contained in the record and when so based, shall be deemed legally sufficient to support such order. All utilities or regulated businesses to which the order applies shall make such changes in their schedule of rates, fares, charges or classifications as may be necessary to make the same conform to said order, where such order relates to rates, fares, charges or classifications, and no change shall thereafter be made by any utility or regulated business in such rates, fares, charges, or classifications, or joint rate or rates, or in the service or practice so ordered, without the approval of the commission.

The hearing examiners shall assist the commission in drafting the final order in all cases, proceedings or actions before the commission. Such final orders shall be drafted in accordance with the final decision of the commission in such case, proceeding or action, or in accordance with the directions of the commission. The commission shall retain jurisdiction over any case for a period of thirty days from the date of any final order of the commission published in writing in order to receive and review requests for reconsideration from any party in such case who alleges a discrepancy between the final order and the commission decision of record in such case.

SECTION 24. Filing papers with the commission - Service on director required.

(a) One copy of all pleadings, tariffs, rates, regulations, service regulations, papers, documents and writings of every nature, kind and description which are filed with the commission in relation to any matter, complaint, cause, action or proceeding must be filed contemporaneously with the director of utility consumer representation.

(b) The commission shall take no action on any request, application, petition, tariff, rate or service regulation filed by a public utility until ten days after receipt of the same by the director, unless such time period is expressly waived by the director in writing or in person before the commission.

(c) Any action taken by the commission in violation of this section shall be null and void.

SECTION 25. No hearing examiner to conduct hearings relating to same utility in 12 month period.

No hearing examiner shall conduct any hearing relating to a public utility which was the subject of a hearing over which that examiner presided during 12 months preceding.

SECTION 26. Section 37-1-31, Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

"§37-1-31. Commission and director's rights, powers and duties exclusive.

The rights, powers, authority, jurisdiction and duties by this title conferred upon the commission and the director of utility consumer representation

shall be exclusive and, in respect of rates and service regulations and equipment, shall be exercised notwithstanding any rights heretofore acquired by the public under any franchise, contract or agreement between any utility and municipality, county or municipal subdivision of the state, and shall be exercised, so far as they may be exercised, consistently with the constitution of the state and the Constitution of the United States, notwithstanding any right heretofore so acquired by any such utility."

SECTION 27. Section 37-1-32, Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

"§37-1-32. Commission to exercise supervisory and regulatory powers; director to exercise investigatory powers.

The public service commission shall have general supervisory and regulatory powers over all public utilities as defined by this act and may require the director, as the director's staff and resources permit, to inquire into the management of all such public utilities so as to keep the commission informed as to the manner and method in which such utility is operated. Such inquiry may include an investigation of the books and business records of any person supplying fuel, goods or service to a regulated business or public utility. The director of utility consumer representation shall inquire into such public utilities and such persons as often as may be necessary to keep the commission informed or such director informed as to their general condition, their franchise, capitalization, rates and other charges, and the manner in which their plants, equipment and other property are owned, leased, controlled, managed, conducted and operated, not only with respect to adequacy, security and accommodation afforded by their service, but also with respect to their compliance with the provisions of this act and any other law or orders of the commission and with charter and franchise requirements.

The supervisory power or regulatory authority of the commission shall also include the authority to approve or disapprove the acquisition of any real property, easement or right of way through such utility's power of eminent domain, and the commission may make such rules or regulations as may be necessary to effectuate such regulatory authority herein granted."

SECTION 28. Section 37-1-41, Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

"§37-1-41. Commission and director to report to governor and legislative oversight committee.

On or before January 10 of each year, the public service commission, through the president thereof, and the director of utility consumer representation shall make to the governor and the legislature a report of their acts and doings for the year ending on September 30 next preceding, setting forth such facts as will disclose the actual workings of utilities and the impact of same upon the consuming public."

SECTION 29. Section 37-1-42, Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

"§37-1-42. Commission or director to assist department of revenue.

The commission or the director of utility consumer representation shall, on request of the department of revenue or on their own initiative, furnish

such information as will assist in the assessment of taxes against persons or corporations operating utilities or other businesses regulated by the commission."

SECTION 30. Section 37-1-43, Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

"§37-1-43. Commission and director to exercise powers and authorities over foreign businesses engaged in interstate commerce not regulated under acts of congress.

All the duties, powers and authorities which have been given by law to the Alabama public service commission and the director of utility consumer representation in regard to public utilities engaged in intrastate commerce in this state are hereby given to said commission and director of utility consumer representation in regard to public utilities whose principal place of business is located outside the state of Alabama but who are engaged in this state in interstate commerce not regulated under the acts of congress of the United States to the extent that the exercise by said commission and director of such authorities, powers and duties over such utilities engaged in interstate commerce is permissible.

The commission may regulate or supervise any holding company to the extent that the commission shall find that such holding company has an effect on the rates and services of a utility or regulated business and to the extent that such regulatory or supervisory power has not been superseded by federal law."

SECTION 31. Section 37-1-44, Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

"§37-1-44. Proceedings when interstate rates or rules, etc. deemed excessive or discriminatory.

When the commission or the director of utility consumer representation is of the opinion that the interstate rates, charges, practices, rules or regulations of any public utility are unjust, oppressive, unreasonable, excessive, discriminatory or otherwise in violation of any federal laws relating to public utilities or any of the rules and orders or regulations promulgated by any federal agency or commission having jurisdiction thereof, the director of utility consumer representation shall apply by proper pleading or proceeding to such agency or commission for relief therefrom."

SECTION 32. Section 37-1-65, Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

"§37-1-65. Actions to enforce penalties or forfeitures.

Unless otherwise in this title provided, all actions to enforce penalties or forfeitures under this title shall be brought in the name of the state of Alabama in a court of competent jurisdiction in Montgomery county, Alabama. Whenever any utility is subject to a penalty or forfeiture under this title, the director of utility consumer representation shall certify the facts to the attorney general or the district attorney of Montgomery county, either of whom shall institute and prosecute an action for recovery of such penalty. All penalties and forfeitures recovered by the state in such actions shall be paid into the treasury to the credit of the general fund."

SECTION 33. Section 37-1-66, Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

"§37-1-66. Powers of members of enforcement division of the office of the director.

(a) There is hereby established an enforcement division in the office of the director of utility consumer representation. All employees of such enforcement division shall be under the exclusive supervision and control of such director and shall have as their chief responsibility the enforcement of all commission rules, orders and regulations.

Such employees shall have powers of peace officers and deputy sheriffs in this state and may exercise such powers anywhere within the state as to the provisions of this act and the rules and regulations of the public service commission.

(b) All of the employees in the enforcement division of the public service commission are hereby transferred to the office of director of utility consumer representation and shall assume the title, powers and duties of employees of the enforcement division of the office of director of utility consumer representation."

SECTION 34. Section 37-1-80, Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

"§37-1-80. Rates to be reasonable and nondiscriminatory; certain operating expenses to be disallowed for rate making purposes.

(a) The rates and charges for the services rendered and required shall be reasonable and nondiscriminatory. Every utility shall be entitled to such rates as will enable it at all times to fully perform its duties to the consuming public and will, under honest, efficient and economical management, earn a reasonable and fair net return, in dollars, on the reasonable value of its property which is financed or funded by investor supplied funds and devoted to the consuming public. In no event shall the fair net return, in dollars, on the utility property devoted to the consuming public exceed the cost, in dollars, of the investor supplied funds which support the utility property devoted to the consuming public. For the purpose of fixing rates, such reasonable value of a public utility's property shall be deemed to be the original cost thereof less the accrued depreciation as of the most recent date available. In any determination of the commission as to what constitutes such a reasonable return, the commission shall give paramount consideration to the avoidance of rates and charges which are oppressive to the consuming public and to the preservation, promotion and protection of the interest of the consuming public.

(b) The commission shall not authorize a utility to collect and no utility shall collect from its customers any tax through billings or charges which the utility is not obligated to pay to a proper taxing authority within 12 months following the date of such billings or charges.

(c) Unless specifically required by federal law, the commission shall not consider as an operating expense any amount of income tax not actually paid by a public utility or regulated business during the test year under consideration.

(d) The commission shall not under any circumstances consider as an operating expense any sum of money expended or to be expended or any loss or indebtedness incurred or to be incurred, directly or indirectly, as a result of any civil or criminal penalty being levied or imposed against a utility, regulated business or holding company for the failure to pay taxes or for the delinquent payment of taxes.

(e) The commission shall not under any circumstances consider as an operating expense any sum of money expended or to be expended or any loss or indebtedness incurred or to be incurred, directly or indirectly, as a result of any claim, assessment or reassessment of taxes made by any taxing authority against a utility, regulated business or holding company or for the delinquent payment of taxes.

(f) The commission shall not authorize a utility to collect and no utility shall collect from its customers as an operating expense any depreciation expense other than that computed on a straight line basis, prorated over the actual anticipated useful life of the equipment or property to which the depreciation relates.

(g) The commission, in determining allowable operating expenses for a public utility or regulated business shall not include any expense for promotional advertising, charitable or political contribution, whether incurred or expended directly or indirectly.

(h) The commission, in determining allowable operating expenses for a regulated business shall not include any attorney's fee or other litigation expense incurred or expended directly or indirectly on behalf of any officer, director, stockholder, employee or agent thereof indicted and convicted for a violation of this act or any penal laws of this state.

(i) The commission, in determining allowable operating expenses for a public utility or regulated business, shall not consider or include any expense related to the preparation or presentation of a rate increase application unless such expense is amortized over the average interval between such rate increase applications."

SECTION 35. Section 37-1-81, Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

"§ 37-1-81. Schedules of rates or service regulations; suspension of schedules; bond; refund to consumer.

(a) Whenever a utility desires to put in operation a new rate or service regulation or to change any existing rate or service regulation, it shall file with the commission a new schedule embodying the same, and shall file financial statements and supporting documentation as may be required by any commissioner or the director in order to substantiate the need for and necessity of the new rate or service regulation. The schedule embodying the proposed new rates or service regulations shall be reviewed by the commission and the director, and within 20 days after the filing of such schedule, any commissioner or the director may require the utility to file such financial statements and supporting documentation by filing a written request with the secretary of the commission and serving a copy of the same on the utility by posting such copy in the United States mail. No such schedule shall be deemed properly filed until each commissioner and the director certify in writing that the schedule and all requested financial documentation have been filed with the secretary of the commission. Such certification must be

filed with the secretary of the commission and served upon the utility by posting a copy of the same in the United States mail. In the event that neither any commissioner nor the director requires the utility to file such financial statements and supporting documentation within the 20 day period, such proposed schedule shall be deemed properly filed on the 21st day after such proposed schedule was served upon the secretary of the commission and the director.

(b) When a new schedule is deemed properly filed in accordance with subsection (a) of this section, such schedule shall become effective 30 days thereafter unless suspended by the commission for a longer period of time, but the commission may, upon proper written application of the utility based upon actual financial emergency, prescribe an earlier date upon which the same may be made effective. The commission may thereafter take any action respecting the schedule as authorized by this title.

(c) In no event shall the suspension of the proposed schedule exceed a period of six months after the date upon which such schedule is deemed properly filed in accordance with subsection (a) of this section. The commission shall, upon request of the director or any commissioner suspend the operation of the proposed schedule for a period up to six months after the schedule is deemed properly filed in accordance with subsection (a) of this section.

(d) In the event the commission has not made a final decision with respect to such proposed rate or service regulation embodied in any such schedule, the utility or other regulated business may put the proposed rate or service regulation into effect six months after the date upon which such schedule is deemed properly filed in accordance with subsection (a) of this section, subject to a duty to refund to the consumers any rates collected which are later determined to be excessive by the commission. Such refund shall include interest thereon at the average prime rate of interest as reported by the three largest banks in New York City for the period in which the rates are collected subject to refund.

(e) The commission in its discretion may require the utility or regulated business to post a civil bond in an amount sufficient to ensure the payment of such refund to the consumers.

(f) The commission shall reach a final decision on all proposed schedules of rates and service regulations within one year after the date upon which such schedule is deemed properly filed in accordance with subsection (a) of this section. In the absence of such a final decision the proposed schedule shall be deemed approved as filed."

SECTION 36. Section 37-1-84, Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

"§ 37-1-84. Filing and contents of complaint.

An action or complaint shall be commenced by filing an original complaint with the public service commission and a copy of the same to the director of utility consumer representation; the said complaint shall contain allegations wherein the rate or rates or order or orders complained of are invalid, unfair or unreasonable."

SECTION 37. Section 37-1-87, Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

"§ 37-1-87. Customers and consumers may intervene in proceedings before commission.

Any person who is a customer or consumer as defined by this act may by petition intervene and become a party to any proceeding before the commission."

SECTION 38. Section 37-1-104, Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

"§ 37-1-104. Commission and director—Subpoena powers; powers of circuit court to compel compliance with commission orders.

(a) Each of the commissioners, the director, or any agent appointed by either of them, may administer oaths, certify to official acts, compel the attendance of witnesses and issue subpoenas for the production of books and papers pertinent to matters or proceedings pending before the commission. Further, the commission, the director, and any examiner appointed by the commission, may require any utility or any officer or agent thereof to produce within the state, at such time and place as may be designated, any books, records, accounts, documents or writings kept in any office or place without or within the state, or certified copies thereof, whenever the production is pertinent to any matter or proceeding which is pending before the commission or may be reasonably expected to be pending before the commission in order that an examination thereof may be made.

(b) The commission, the director, or any agent appointed by them, may examine and inspect or cause to be examined or inspected the books, records, accounts, documents, writings, plants, property, premises and facilities of any utility, whether there is an proceeding by or against the utility then pending before the commission. Every utility shall make all its books, records, accounts, documents and writings available at the principal office of its chief place of business in this state for examination and inspection by the commission, the director, the examiners or their authorized representatives whenever deemed within the public interest that such examination or inspection should be made. Every utility shall make available all and every part of its plant, property, premises and facilities for examination and inspection by the commission, the director of utility consumer representation or their authorized representatives when either shall determine that the interest of the consuming public necessitates that such examination or inspection be made.

(c) In case of failure or refusal on the part of any person to comply with any valid order of the commission or of any commissioner, or any subpoena, or on the refusal of any witness to testify or answer as to any matter regarding which he may be lawfully interrogated, any circuit court in this state, or any judge thereof, on application of a commissioner or the director of utility consumer representation, the attorney general or the district attorney of Montgomery county, may issue an attachment for such person and compel compliance with such order or to attend before the commission or its representative and produce such documents and give such testimony upon such matters as may be lawfully required, and the court or judge shall have power to punish for contempt as in cases of disobedience of a like order or subpoena issued by or from such court, or a refusal to testify therein.

(d) The commission shall have no power or authority to quash any subpoena issued by the director of utility consumer representation."

SECTION 39. Section 37-1-122, Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

"§ 37-1-122. Time for appeal; how appeal perfected.—

(a) In the event that the commission receives a request for reconsideration from any party in a case who alleges a discrepancy between the final order and the commission decision of record in such case as permitted by section 23 of this act, no appeal shall be taken until after the commission rules upon such request for reconsideration. Such appeal must then be filed within 30 days after the date that the commission rules upon the request for reconsideration. All such appeals shall be granted as a matter of right and be deemed perfected by filing with the public service commission of a bond for the security of the cost of said appeal when the appellant is a utility or consumer and by filing notice of an appeal when the appellant is the state of Alabama or the director of utility consumer representation.

(b) In the event that the commission does not receive a request for reconsideration from any party in a case as described in subsection (a) of this section, all appeals of the final orders of the commission shall be taken no less than 31 days from the date of the order nor later than 60 days after such order. All such appeals shall be granted as a matter of right and be deemed perfected by filing with the public service commission a bond for the security of the cost of said appeal when the appellant is a utility or consumer and by filing notice of an appeal when the appellant is the state of Alabama or the director of utility consumer representation."

SECTION 40. Section 37-1-133, Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

"§ 37-1-133. Appeal by director or state.—

If the director of utility consumer representation or the state of Alabama shall appeal from a judgment annulling or suspending any rates or orders there shall not be required any security for the costs of said appeal or any bond or undertaking to supersede the judgment. The appeal of the director of utility consumer representation or the state of Alabama, without such bond, shall have the effect of superseding the judgment, and the rate or rates or order or orders complained of or annulled or suspended by the judgment shall be and remain the established rates or orders and shall be regarded and observed until the judgment shall be affirmed and the said rates or orders annulled or suspended by the supreme court unless a supersedeas bond is continued in effect."

SECTION 40.1. Section 37-1-134, Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

"§ 37-1-134. Appeal by utility.

If said appeal is taken by the utility, security for the costs of the appeal shall be given as in cases of other appeals from the circuit court; except, that is a supersedeas bond had not been given on appeal to the circuit court as provided for in this division, then pending said appeal to the supreme court by the utility, such bond shall continue in force and effect and all the conditions thereof shall be complied with, and no other supersedeas bond need be given by the utility."

SECTION 41. Section 37-1-140, Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

"§ 37-1-140. Direct appeal to supreme court as a matter of right; preferred setting of appeals; time for taking appeals; bond required when appellant is utility or person.—

(a) In all cases involving controversies respecting rates and charges of telephone companies or electric power companies, an appeal from any final action or order of the Alabama public service commission in the exercise of the jurisdiction, power and authority conferred upon it by this title, as amended and supplemented, shall lie directly to the supreme court of Alabama. All such appeals shall be given a preferred setting in the supreme court and shall be heard and determined by said court en banc. This section shall be deemed to apply only to those cases in which rates and charges are involved.

(b) In the event that the commission receives a request for reconsideration from any party in a case who alleges a discrepancy between the final order and the commission decision of record in such case as permitted by section 23 of this act, no appeal shall be taken until after the commission rules upon such request for reconsideration. Such appeal must then be filed within 30 days after the date that the commission rules upon the request for reconsideration. All such appeals shall be granted as a matter of right and be deemed perfected by filing with the public service commission of a bond for the security of the cost of said appeal when the appellant is a utility or consumer and by filing notice of an appeal when the appellant is the state of Alabama or the director of utility consumer representation.

(c) In the event that the commission does not receive a request for reconsideration from any party in a case as described in subsection (b) of this section, all appeals of the final orders of the commission shall be taken no less than 31 days from the date of the order nor later than 60 days after such order. All such appeals shall be granted as a matter of right and be deemed perfected by filing with the public service commission a bond for the security of the cost of said appeal when the appellant is a utility or consumer and by filing notice of an appeal when the appellant is the state of Alabama or the director of utility consumer representation.

(d) No telephone company or electric power company shall file with the commission a schedule for rate or service regulations or for changes in existing rates or service regulations while an appeal of a commission order relating to a previous rate case of such utility is pending."

SECTION 42. Section 37-1-141, Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

"§ 37-1-141. Who may appeal; manner of taking appeal; application for supersedeas; supersedeas bonds; collection of denied rate increases prior to final disposition of case.—

Either party or any intervenor may appeal to the supreme court from the action or order of the commission under the same rules and regulations and in the same manner and under the same conditions as are or may be provided by law for appeals from circuit courts in other public utility cases. Application for supersedeas may be made to the supreme court. All supersedeas bonds

required shall be in the same amount, subject to the same penalties and conditions and have the same effect as is now provided or may hereafter be provided by law in such cases.

If the appeal is by a telephone company or a public utility and supersedeas is granted, the appellant shall be entitled to collect, subject to refund with interest computed at the average prime interest rate as reported by the three largest banks in New York City for the period in which the rates are collected, any portion of the requested increase directed by such supersedeas order from the time of taking such appeal until final disposition of the case, provided such telephone company or public utility shall have satisfactorily alleged and proven to the supreme court that without such supersedeas its financial integrity will be substantially impaired."

SECTION 43. Section 37-2-3, Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

"§ 37-2-3. Commission to supervise, regulate and control transportation companies; director to enforce.—

(a) The public service commission is charged with the duty of supervising, regulating and controlling all transportation companies doing business in this state in all matters relating to the performance of their public duties and their charges therefor, and of correcting abuses therein by such companies, and the commission shall, from time to time, prescribe for said transportation companies, in the manner authorized in this title, such rates, charges, classifications of freight, storage, demurrage and car service charges, rules and regulations, and shall require them to establish and maintain all such public service facilities and conveniences as may be reasonable and just, which said rates, charges, classifications, rules, regulations and requirements the commission may, from time to time, alter or amend. All rates, charges, classifications, rules and regulations adopted or acted upon by any transportation company inconsistent with those prescribed by the commission acting within the scope of its authority, or inconsistent with those prescribed by any statute, shall be unlawful and void.

(b) The office of director of utility consumer representation shall enforce and require compliance with all the provisions of all laws now in force or hereafter enacted regulating railroads and other transportation companies or prescribing the duties thereof."

SECTION 44. Section 37-2-171, Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

"§ 37-2-171. Application to issue securities or assume obligations—when required; director to investigate; order of commission to specify purposes.—

No public utility shall issue any securities or assume any obligation or liability, as lessor, lessee, guarantor, endorser, surety or otherwise, in respect to the securities of any other person unless and until and then only to the extent that, upon application by the utility and after investigation by the director of utility consumer representation of the proposed issue, and the proceeds thereof, or of the proposed assumption of obligation or liability in respect to the securities of any other person, the commission by order authorizes such issue or assumption. The commission shall make such order only if it finds that such issue or assumption is for some lawful object within

the corporate purposes of the company, is compatible with the public interest, is necessary or appropriate for or consistent with the proper performance by the company of its service to the public as such public utility and will not impair its ability to perform that service, and is reasonably necessary and appropriate for such purpose. Any such order of the commission shall specify the purposes for which any such securities or the proceeds thereof may be used by the company making such application."

SECTION 45. Section 37-2-182, Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

"§ 37-2-182. Actions to recover penalties.—

Actions to recover penalties under this article shall be brought in the name of the state of Alabama in a court of competent jurisdiction in Montgomery county, Alabama. Whenever any telephone company is subject to a penalty under this article, the commission and the director of utility consumer representation shall certify the facts to the attorney general or the district attorney of Montgomery count, Alabama, who may institute and prosecute an action for the recovery of such penalty."

SECTION 46. Section 37-3-7(5), Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

"§ 37-3-7(5). Powers and duties of commission generally concerning motor vehicle carriers; enforcement powers deleted.—

To prescribe rules, regulations and procedures for the administration of this chapter and to make all necessary orders in connection therewith."

SECTION 47. Section 37-3-25(g), Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

"§ 37-3-25(g). Penalty for falsification of motor vehicle carrier records.—

Any motor carrier or broker or any officer, agent, employee or representative thereof who shall willfully fail or refuse to make a report to the commission as required by this chapter or to keep accounts, records and memoranda in the form and manner approved or prescribed by the commission or shall knowingly and willfully falsify, destroy, mutilate or alter any such report, account, record or memorandum or shall knowingly and willfully file any false report, account, record or memorandum shall be guilty of a Class "C" felony."

SECTION 48. Section 37-3-27, Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

"§ 37-3-27. Employment of personnel to aid director in the enforcement of the chapter.—

The director of utility consumer representation is authorized to employ such assistants and employees as are necessary to enforce the provisions of this chapter, subject to the provisions of the Alabama merit system act."

SECTION 49. Section 37-3-34, Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

"§ 37-3-34. Rules and regulations of the commission; director to investigate and enforce.—

(a) The commission is given the power and authority to make such general rules and regulations not incorporated herein or inconsistent herewith by general order or otherwise as may be necessary to carry out the provisions of this chapter.

(b) The office of director of utility consumer representation is given the power and authority to inquire into the compliance with the rules, regulations and orders of the commission in regard to the provisions of this chapter and to enforce all the rules, regulations and orders of the commission in regard to the provisions of this chapter."

SECTION 50. Section 37-4-83, Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

"§ 37-4-83. Gas pipeline safety—Commission rules; requiring records; director to inspect.—

In order to determine whether or not each such pipeline system is operating in compliance with the required safety standards and to enforce such compliance, the Alabama public service commission shall have the right, power and authority to promulgate reasonable rules and regulations to facilitate such purposes. It may require each such pipeline system to make, maintain and file such books, paper, records and documents as the commission may deem necessary, which books, paper, records and documents shall be made available to members of the commission and their employees upon request. Authorized personnel of the office of the director of utility consumer representation shall be authorized to inspect all such pipeline systems, facilities and equipment and shall have the right of access and entry to all buildings and property owned, leased or operated by such system."

SECTION 51. Section 37-4-84, Code of Alabama, 1975, is hereby amended by deleting the same in its entirety and substituting in lieu thereof the following:

"§ 37-4-84. Gas pipeline safety—Director to employ inspectors.—

The director of utility consumer representation shall be authorized to employ, subject to the provisions of the merit system act, such gas pipeline inspectors or other qualified employees as may be necessary to carry out the provisions of this article."

SECTION 52. Rights of utility consumers.—

In addition to any other rights conferred by law or by the rules, regulations or tariffs approved by the commission or other laws or regulations, all utility consumers and customers in this state shall have those rights which are enumerated in the public policy of this state as aforesaid.

SECTION 53. Rule making.—

The commission shall make rules and regulations to effectuate the public policy of this state as aforesaid in section 2 of this act.

SECTION 54. Neutrality of commission, courts and other forums.—

With respect to the right of a consumer or customer to a forum which is free from bias, conflict of interest or favoritism as set forth in section 2 of this act:

(a) no forum, including the public service commission and the courts, shall receive evidence with respect to the matters in a contested case, cause, action, matter or proceeding involving rates or service regulations of a utility other than on the public record, and no decision shall be based on matters not of record except such matters as may be judicially recognized. Matters judicially recognized as true shall be stated in any ruling on contested cases and shall be subject to dispute by petition filed by any intervenor or party within five days after the issuance of such ruling;

(b) no person who is a member, employee, hearing examiner, consultant, or other agent of the commission shall exercise or attempt to exercise any supervisory or regulatory power, duty or responsibility for or on behalf of the commission when such person is a person having a pecuniary interest in a utility or regulated business or a person associated with a utility or regulated business. Any person violating the provisions of this subsection shall be guilty of a Class "C" felony and shall be impeached or otherwise removed from office or employment therefor;

(c) no person who is a judge, justice, employee, master, referee, consultant or other agent of any court of this state, shall exercise or attempt to exercise any adjudicatory duty, responsibility or power in any appeal from any order or decision of the commission when such person is a person having a pecuniary interest in a utility or regulated business or is a person associated with a utility or regulated business. Any person violating the provisions of this subsection shall be guilty of a Class "C" felony and shall be impeached or otherwise removed from office or employment therefor.

SECTION 55. Raising the issue of bias, conflict of interest and recusal.—

(a) Any member, employee, hearing examiner, consultant or other agent of the Alabama public service commission or any other commission, board or agency, or any judge, justice, employee, master, referee or other agent of any court of this state who exercises or attempts to exercise any regulatory or adjudicatory power in any commission proceeding or in any appeal from any commission order or decision may be removed from the commission or court when the issue of bias or conflict of interest is raised by verified petition to recuse.

(b) A person shall be deemed to have a conflict of interest for purposes of this section when such person:

(1) is a person having a pecuniary interest in a utility or regulated business; or

(2) is a person associated with a utility or regulated business; or

(3) has accepted a political campaign contribution from a party of record or any employee, agent or utility thereof; or

(4) has accepted any gift, gratuity or other thing of value during the pendency of such proceedings or appeals from any party of record or any agent, employee or utility thereof.

When such petition is filed, it shall be considered first by the person or persons sought to be recused. If such person or persons so petitioned fails or refuses to recuse themselves, any party insisting on such recusal may petition an appropriate court by verified affidavit for a prohibition against the proceeding, and shall bear the burden of showing bias, prejudice, favoritism

or conflict of interest alleged. Such petition shall be given preference and heard at the earliest opportunity. Until such petition is heard, if the proceeding is to make rates or service regulations, it shall be stayed, unless such court should determine that:

(1) the petition does not make a prima facie case for recusal; or

(2) there is little likelihood that the petitioner will prevail in the application for recusal.

SECTION 56. Candidate's designation of principal campaign committee.—

(a) Within five days after any person becomes a candidate for the office of commissioner or director, such person shall file with the secretary of state a statement showing the names of not less than two nor more than five persons elected to serve as the principal campaign committee for such candidate, together with a written acceptance or consent by such persons to act as such committee, but any candidate may, if he or she sees fit to do so, declare himself or herself as the person chosen to serve as the principal campaign committee, in which case such candidate shall perform the duties of chairman and treasurer of such committee prescribed by this act. If any vacancies be created by death or resignation or any other cause, such candidate may fill such vacancy, or the remaining members shall discharge and complete the duties required of such committee as if such vacancy had not been created. The principal campaign committee, or its treasurer, shall have the exclusive custody of all monies contributed, donated, subscribed or in any manner furnished to or for the candidate represented by such committee, and shall account for and disburse the same. No candidate shall expend any money in aid of his or her nomination or election except by contributing to the principal campaign committee designated by the candidate as aforesaid.

(b) Any candidate who declares himself or herself as the person chosen to serve as the principal campaign committee shall be subject to the provisions of this act relating to principal campaign committees and shall be subject to all civil and criminal penalties or punishments as a principal campaign committee or treasurer thereof.

(c) Any candidate who knowingly and willfully fails or refuses to file with the secretary of state the designation of a principal campaign committee as required by this section shall be guilty of a Class "A" misdemeanor. In addition to the other penalties provided by law, the name of any candidate, who knowingly and willfully fails or refuses to file with the secretary of state the designation of a principal campaign committee as required by this section, shall not be allowed to be placed upon the ballot of any election.

SECTION 57. Organization of political committees.

(a) Chairman; treasurer; authorization of expenditures. Every political committee shall have a chairman and a treasurer. No contribution shall be accepted and no expenditure shall be made by or on behalf of a political committee at a time when there is a vacancy in the office of chairman or treasurer thereof. No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer.

(b) Accounting for political contributions. Every person who receives a political contribution for a political committee which is in excess of ten dollars or the market value of which is in excess of ten dollars, shall, upon demand of the treasurer, and in any event within five days after receipt of such contribution, render to the treasurer a detailed accounting thereof,

including the amount of such contribution, the identification of the person making such contribution, and the date on which it was received; provided however, if such contribution was not in legal tender or by check, the form, nature, kind and market value of such contribution must also be included. All funds of a political committee shall be segregated from, and may not be commingled with, any personal funds of officers, members or associates of such committee.

(c) Recordkeeping. It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of:

- (1) all political contributions made to or for such committee;
- (2) the identification of every person making a political contribution in excess of ten dollars or the market value of which is in excess of ten dollars;
- (3) all expenditures made by or on behalf of such committee; and
- (4) the identification of every person to whom any expenditure is made, the date and amount thereof, and the name of the candidate on whose behalf such expenditure was made.

(d) Receipts; preservation. It shall be the duty of the treasurer to obtain and keep a receipted bill stating the particulars for every expenditure made in excess of five dollars by or on behalf of a political committee. The treasurer shall preserve all receipted bills and account required to be kept by this section for a period of four years from the date of any such expenditure.

(e) Reports to principal campaign committees.

(1) Each report or statement of political contributions received or expenditures made by a political committee (other than a principal campaign committee) which is required to be filed with the secretary of state under this act shall also be filed by the treasurer of such political committee with the principal campaign committee for the candidate on whose behalf any such contributions are accepted or expenditures are made by such political committee.

(2) It shall be the duty of the treasurer of each principal campaign committee to receive all reports and statements required to be filed with it under paragraph (1) of this subsection, and to compile and file such reports and statements, together with its own reports and statements, with the secretary of state in accordance with the provisions of this act.

(3) Any person who willfully fails or refuses to file any report as required by paragraph (1) of this subsection with a principal campaign committee shall be guilty of a Class "A" misdemeanor. Each day of such failure or refusal to file shall constitute a separate offense.

SECTION 58. Registration of political committees.

(a) Statements of organization. The treasurer of each political committee which receives or reasonably anticipates receiving political contributions, or makes expenditures or reasonably anticipates making expenditures, shall file with the secretary of state a statement of organization within ten days after organization of such committee. The treasurer of each such committee in existence at the date of enactment of this act shall file a statement of organization with the secretary of state within thirty days after the effective date of this act.

(b) Contents of statements. The statement of organization shall include:

- (1) the name and complete address of the committee;
- (2) the identification of affiliated or connected organizations;
- (3) the area, scope and purpose of the committee;
- (4) the identification of the chairman and treasurer;

(5) the identification of all officers, including members of any finance committee;

(6) the identification of office expected to be sought and party affiliation of:

(A) each candidate whom the committee is supporting; and

(B) any other individual whom the committee is supporting for nomination or election to any office whatever; or, if the committee is supporting the entire ticket of any party, the name of the party;

(7) a statement whether the committee is a continuing one, and if not, the expected termination or dissolution date;

(8) the disposition of residual funds which will be made in the event of dissolution;

(9) a listing of all banks, safety deposit boxes or other depositories used; and

(10) such other information as shall be required by the secretary of state to complete statements of organization or reports required under this act.

(c) Information changes; report. Any change in information previously submitted in a statement of organization shall be reported in writing by the treasurer of any such committee to the secretary of state within ten days following the change.

(d) Disbanding of political committee or contributions and expenditures below prescribed ceiling; notice. When any committee, after having filed one or more statements of organization, disbands, dissolves or determines it will no longer receive political contributions or make expenditures, the treasurer of such committee shall so notify the secretary of state in writing within twenty days of the disbanding, dissolving or determination that political contributions will no longer be received nor expenditures made. Any treasurer of such committee who willfully fails or refuses to so notify the secretary of state within the time prescribed shall be guilty of a Class "A" misdemeanor.

(e) Any person who willfully fails or refuses to file a statement of organization as required by section 58(a) of this act shall be guilty of a Class "A" misdemeanor.

SECTION 59. Requirements relating to campaign advertising.

(a) Each political committee shall include on all literature and advertisements the identification of such committee and at the beginning of or end of a radio or television broadcast the name of the candidate or political committee, and that such communication was paid for or authorized by such candidate or committee.

(b) Any communication paid for by an expenditure not authorized by a candidate, principal campaign committee or political committee advocating the election or defeat of a candidate through any type of public advertising must state that such communication is not authorized by the candidate and must identify the person who financed the expenditure. The notice must appear on the face or front page of printed matter, or at the beginning or end of a radio or television broadcast.

(c) Any person willfully violating the provisions of this section shall be guilty of a Class "A" misdemeanor.

SECTION 60. Reports.

(a) Filing of reports of political contributions and expenditures.

(1) Except as provided by paragraph (3) of this subsection (a), the treasurer of each political committee shall file with the secretary of state a report which reveals, divulges, discloses, sets forth and declares any political contribution received or expenditure made, on forms to be prescribed and approved by the secretary of state, at the following times:

(A) no earlier or later than the 10th day before the date of any election for which such committee received any political contribution or made any expenditure; provided, however, no such report shall be required in relation to a runoff election for a political party primary. All such reports shall include complete information relating to all political contributions received and expenditures made as of the 15th day next preceding the date of such election;

(B) on the 30th day after the date of any election for which said committee received any political contribution or made any expenditure; provided, however, no such report shall be required in relation to a runoff election for a political party primary. All such reports shall include complete information relating to all political contributions received and expenditures made as of the 25th day after the date of such election;

(C) on the last day of the year succeeding the date of the general election for which such political committee received any political contribution or made any expenditure, and on the last day of each month thereafter; provided, however, no such report shall be required if no political contribution was received nor expenditure made which was not revealed, divulged, disclosed, set forth and declared in a previous report. All such reports shall include complete information relating to all political contributions received and expenditures made as of the 25th day of the month in which such report is filed.

(2) The reports required by this section shall be cumulative; any contribution or expenditure disclosed in a previous report need not be included in any succeeding report unless such inclusion is necessary for the purposes of clarification or comprehension.

(3) Each treasurer of a political committee which is not a principal campaign committee shall file the reports required under this section with the secretary of state and with the appropriate principal campaign committee; provided that, such reports shall be filed with the appropriate principal campaign committee not less than five days prior to the dates specified in paragraph (1) of this subsection (a).

(b) Contents of reports. Each report under this section shall reveal, divulge, disclose, set forth and declare:

(1) the amount of cash or other assets on hand at the beginning of the reporting period.

(2) the identification of each person who has made political contributions to such committee or candidate within the calendar year in an aggregate amount in excess of ten dollars, together with the amount and date of all such contributions;

(3) the total sum of political contributions received during the calendar year but not reported under paragraph (2);

(4) the identification of any political committee from which the reporting committee received or to which the reporting committee made any transfer of funds, together with the amounts and dates of all such transfers during such calendar year;

(5) each loan to or from any person within the calendar year in an aggregate amount in excess of ten dollars, together with the identification of the lender, the identification of the endorers or guarantors, if any, and the date and amount of such loans; provided, however, if such loan was of property, such property and its lender shall be identified, together with the duration of its use and the market value of such use;

(6) the total amount of receipts during such calendar year from any other source;

(7) the total sum of all receipts by or for such committee during the calendar year;

(8) the identification of each person to whom expenditures have been made by or on behalf of such committee within the calendar year in an aggregate amount in excess of five dollars, the amount, date and purpose of each such expenditure, and the identification of each candidate on whose behalf such expenditure was made;

(9) the identification of each person to whom an expenditure for personal services, salaries and reimbursed expenses has been made in an amount in excess of five dollars which is not otherwise reported, including the amount, date and purpose of such expenditure;

(10) the total sum of all expenditures made by a political committee during the calendar year;

(11) the amount and nature of debts and obligations owed by or to such political committee, in such form as the secretary of state may prescribe, together with a statement as to the circumstances and conditions under which any such debt or obligation was extinguished and the consideration therefor.

(c) Debts, etc; separate schedules. The secretary of state shall prescribe the manner in which political contributions and expenditures in the nature of debt, contract, loan or agreement shall be reported. Such political contributions and expenditures must be entered on a schedule separate from such contributions actually received and expenditures actually paid. In determining aggregate amounts of political contributions and expenditures actually paid, the amounts reported in the separate schedule shall not be considered.

(d) Affidavits required.

(1) Each report of a political committee other than a principal campaign committee shall be signed and filed on behalf of such committee by its

treasurer. On all such reports there shall be attached an affidavit subscribed and sworn to by the chairman and the treasurer that such report is in all respects true and complete, and that no political contributions have been received or expenditures made which are not revealed, divulged, disclosed, set forth and declared in such report.

(2) Each report of a principal campaign committee shall be signed and filed on behalf of such committee by its treasurer. On all such reports there shall be attached an affidavit subscribed and sworn to by the chairman, treasurer and candidate represented by such committee that such report is in all respects true and complete, and that no political contributions have been received or expenditures made which are not revealed, divulged, disclosed, set forth and declared in such report.

(3) When any candidate has declared himself or herself as the person chosen to serve as the principal campaign committee, each report of such committee shall be signed and filed on behalf of such committee by the candidate. On all such reports there shall be attached an affidavit subscribed and sworn to by such candidate that such report is in all respects true and complete, and that no political contributions have been received or expenditures made which are not revealed, divulged, disclosed, set forth and declared in such report.

(e) Failure to report.

(1) Any person who willfully fails or refuses to file a report required by section 60 of this act shall be guilty of a Class "A" misdemeanor and each day of such failure or refusal shall be considered as a separate offense.

(2) If a report which is required to be made prior to or after any election is not made by a candidate or a principal campaign committee on behalf of such candidate, a certificate of election or nomination shall not issue to such candidate though such candidate be successful in the election. Such candidate's certificate of election shall be deemed conditional upon such candidate or such candidate's principal campaign committee complying with the reporting provisions of this act.

SECTION 61. Falsification of reports or statements.

(a) Any person who willfully makes or causes to be made any false entry in any report or statement required by sections 56, 57, 58 and 60 of this act, or willfully fails to reveal, divulge, disclose, set forth or declare any information required in such report or statement, shall be guilty of a Class "C" felony.

(b) Any person willfully violating a provision of sections 56, 57, 58 and 60 of this act for which no punishment has been specifically prescribed shall be guilty of a Class "A" misdemeanor.

SECTION 62. Formal requirements respecting reports and statements.

(a) Copy; preservation. A copy of each report and statement required by this act to be filed with the secretary of state shall be preserved by the secretary of state for not less than six years. Such reports and statements filed with the secretary of state shall be public records of the state of Alabama.

(b) Date of filing. The date of filing of a report or statement required by this act shall be deemed to be the date of receipt by the secretary of state or principal campaign committee, as the case may be; provided that, any report

or statement filed by certified or registered mail shall be deemed to be filed in a timely fashion if properly addressed with postage prepaid and postmarked at least two days prior to the required filing date.

SECTION 63. Certain persons, utilities and regulated businesses prohibited from forming political committees.

No person associated with a utility or regulated business shall create, establish, control, participate in or supervise, directly or indirectly, in whole or in part, any political committee, as defined by this act, nor shall such person in any way participate in soliciting, raising, collecting or disbursing political contributions. Any person who willfully violates any provision of this section shall be guilty of a Class "C" felony.

SECTION 64. Campaign depositories.

(a) The treasurer of each political committee shall designate not more than two national or state banks as its depositories for committee funds. A political committee shall maintain a checking account and shall deposit any contributions received by such committee into such account. No expenditures may be made by any such committee except by check drawn on such account, other than petty cash expenditures as provided in subsection (b).

(b) A political committee may maintain a petty cash fund out of which it may make expenditures not in excess of ten dollars to any person in connection with a single purchase or transaction. A record of petty cash disbursements shall be kept in accordance with requirements established by the secretary of state and such statements and reports thereof shall be furnished to the secretary of state as may be required.

(c) Any person violating any provision of this section shall be guilty of a Class "C" misdemeanor.

SECTION 65. Duties of secretary of state.

(a) In order to carry out the provisions of sections 56, 57, 58, 60, 62 and 64, the secretary of state shall have the authority:

(1) to promulgate procedures to implement the provisions of sections 56, 57, 58, 60, 62 and 64 of this act;

(2) to issue subpoenas to compel any person to appear, give sworn testimony or produce documentary or other evidence;

(3) to take such other actions as may be necessary to carry out the duties specified in the next succeeding subsection (b).

(b) The secretary of state shall have the following duties:

(1) to prescribe forms to be used in complying with the provisions of section 56, 57, 58, 60, 62 and 64 of this act;

(2) to accept and file any information voluntarily supplied that exceeds the requirements of sections 56, 57, 58, 60, 62 and 64 of this act;

(3) to make each statement and report filed by a political committee or other person available for public inspection and copying during regular office hours, any such copying to be done at the expense of the person requesting copies;

(4) to inspect each statement and report and to notify the person filing such statement or report if such statement or report does not conform with

the requirements of this act, or notify any person who has failed to file a statement or report required by this act; provided that, failure to so notify a person shall not relieve such person of any criminal liability or responsibility under the provisions of this act;

(5) to make audits with respect to the statements and reports filed under the provisions of this act and with respect to the alleged or suspected failure of any person to file any statement or report required under the provisions of this act when requested by the attorney general or district attorney of Montgomery county;

(6) to seek orders from the Montgomery county circuit court, after the completion of appropriate examination, directing compliance with this act, or prohibiting the actual or threatened commission of any conduct constituting a violation;

(7) to report violations of law to the attorney general, district attorney of Montgomery county and the Montgomery county grand jury;

(8) to issue, upon request, advisory opinions on the requirements of this act, based on a real or hypothetical set of circumstances.

(c) Upon request, the attorney general or the district attorney of Montgomery county shall provide legal advice to the secretary of state and, upon request, shall represent the secretary of state in court proceedings, and the state auditor and/or the examiners of public accounts shall perform audits when required under this section.

SECTION 66. Use of contributed amounts for certain purposes.

Amounts received by a principal campaign committee as contributions that are in excess of any amount necessary to defray expenditures of the candidate represented by such committee may be contributed by him or her to any organization described in section 170 (c) of Title 26 of the U. S. Code, or may be used for any other lawful purpose. To the extent any such contribution, amount contributed or expenditure thereof is not otherwise required to be disclosed under the provisions of this title, such contribution, amount contributed or expenditure shall be fully disclosed in accordance with rules promulgated by the secretary of state.

SECTION 67. Court to compel filing or correction of reports or statements. Upon a sufficient showing that any candidate or any treasurer of any political committee has failed or refused to file any report or statement, as required by this act, or has filed any report or statement which is incomplete or contains any false entry, such candidate or treasurer shall be compelled by court order to file or complete such report or statement or to correct any such false entry upon the filing of a petition therefor in the circuit court of Montgomery county by the attorney general or district attorney of Montgomery county. The attorney general or the district attorney of Montgomery county shall file such petition upon request of the secretary of state or whenever either of them shall have knowledge that such reports or statements have not been filed in a manner or at a time required by this act.

SECTION 68. Intimidation of voters. Whoever intimidates, threatens or coerces or attempts to intimidate, threaten or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as such person may choose, or of causing such other person to vote for or not to vote for any candidate for office on or with the public service commission or office of director at any election held for the purpose of electing such candidate, shall be guilty of a Class "C" felony.

SECTION 69. Expenditures to influence voting.

(a) Any person who directly or indirectly gives or offers to give any thing of value to any person in exchange for such person voting or withholding his or her vote in any election, as defined, or to vote for or against any candidate, as defined, shall be guilty of a Class "C" felony.

(b) Any person who directly or indirectly solicits or accepts any thing of value in consideration for such person voting or withholding his or her vote in an election, as defined, or in consideration for such person voting for or against any candidate, as defined, shall be guilty of a Class "C" felony.

SECTION 70. Trading in office or employment with the commission; director.

(a) Any person who directly or indirectly offers, agrees to offer or gives any thing of value, including a political contribution to any person with the understanding that he or she will be appointed or may be appointed to the office of commissioner or will be appointed or employed or may be appointed or employed by or with the commission shall be guilty of a Class "C" felony.

(b) Any commissioner, employee of the commission or candidate for election or appointment to the office of commissioner who shall solicit, accept or agree to accept any thing of value from another person with the understanding or agreement that such other person will be appointed or employed or may be appointed or employed by or with the commission or will be offered or given any employment by or with the commission shall be guilty of a Class "C" felony.

(c) Any person who directly or indirectly offers, agrees to offer or gives any thing of value, including a political contribution to any person with the understanding that he or she will be appointed or may be appointed to the office of director or will be appointed or employed or may be appointed or employed by or with the office of the director shall be guilty of a Class "C" felony.

(d) Any director, employee of the office of the director or candidate for election or appointment to the office of the director who shall solicit, accept or agree to accept any thing of value from another person with the understanding or agreement that such other person will be appointed or employed or may be appointed or employed by or with the office of the director or will be offered or given any employment by or with the office of the director shall be guilty of a Class "C" felony.

SECTION 71. Conflicts of interest of commissioner or employee in contracts, etc.

(a) A commissioner or employee of the commission who shall exercise or attempt to exercise any discretionary function in connection with any purchase, payment, expenditure or contract by the state of Alabama for or on behalf of the commission without advance public disclosure of a known potential conflicting interest in the transaction shall be guilty of a Class "C" felony.

(b) For purposes of this section, a "potential conflicting interest" exists, but is not limited to, when such commissioner or employee of the commission:

is a director, president, general manager or similar executive officer, or owns directly or indirectly a portion of any nongovernmental entity participating in the transaction.

(c) For purposes of this section, "public disclosure" shall mean a public announcement during a commission meeting and a notification in writing to the attorney general and the district attorney of Montgomery county.

SECTION 72. Conflicts of interest of director or employee in contracts, etc.

(a) A director or employee of the office of the director who shall exercise or attempt to exercise any discretionary function in connection with any purchase, payment, expenditure or contract by the state of Alabama for or on behalf of the office of the director without advance public disclosure of a known potential conflicting interest in the transaction shall be guilty of a Class "C" felony.

(b) For purposes of this section, a "potential conflicting interest" exists, but is not limited to, when such director or employee of the office of the director:

is a director, president, general manager or similar executive officer, or owns directly or indirectly a portion of any nongovernmental entity participating in the transaction.

(c) For purposes of this section, "public disclosure" shall mean a public announcement during a commission meeting and a notification in writing to the attorney general and the district attorney of Montgomery county.

SECTION 73. Misuse of confidential information.

(a) Any commissioner or employee of the commission who, in contemplation of an official action by himself or herself or in contemplation of an official action by the commission or in reliance on information to which he or she has access in his or her official capacity which has not been made public,:

(1) acquires a pecuniary benefit or financial interest in any property, transaction or enterprise which may be affected by such information or official action;

(2) speculates or wagers on the basis of such information or action;

(3) aids another person in acquiring a pecuniary benefit or financial interest in any property, transaction or enterprise which may be affected by such information or official action; or

(4) aids another person in speculating or wagering on the basis of such information or action,; shall be guilty of a Class "C" felony.

(b) Any director or employee of the office of the director who, in contemplation of an official action by himself or herself or in contemplation of an official action by the commission or the office of the director or in reliance on information to which he or she has access in his or her official capacity which has not been made public,;

(1) acquires a pecuniary benefit or financial interest in any property, transaction or enterprise which may be affected by such information or official action;

(2) speculates or wagers on the basis of such information or action;

(3) aids another person in acquiring a pecuniary benefit or financial interest in any property, transaction or enterprise which may be affected by such information or official action; or

(4) aids another person in speculation or wagering on the basis of such information or action; shall be guilty of a Class "C" felony.

SECTION 74. Deprivation of employment or other benefit for political activity.

Whoever, except as required by law, directly or indirectly deprives, attempts to deprive or threatens to deprive any person of any employment, position, work, compensation or other benefit on account of any political activity in support of or in opposition to any candidate for elective office on the commission or the elective office of director shall be guilty of a Class "C" felony.

SECTION 75. Promise of employment or other benefit for political activity.

Whoever, directly or indirectly, promises any employment, position, compensation, contract, appointment or other benefit provided for or made possible in whole or in part by any act of the legislature of Alabama, or any special consideration in obtaining any such benefit, to any person as consideration, favor or reward for any political contribution to any political committee or candidate in connection with any election for the office of a commissioner or director shall be guilty of a Class "C" felony.

SECTION 76. Publication or distribution of political statements.

Whoever willfully displays, publishes or distributes or causes to be displayed, published or distributed, or for the purpose of displaying, publishing or distributing the same, knowingly deposits for mailing or delivery or causes to be deposited for mailing or delivery, or, except in cases of employees of the postal service in the official discharge of their duties knowingly transports or causes to be transported any card, pamphlet, circular, poster, advertisement, writing or other statement relating to or concerning any person who has publicly declared his or her intention to seek elective office on or with the commission or the elective office of director in a primary, general or special election or convention of a political party, or has caused or permitted his or her intention to do so to be publicly declared, which does not contain the names of the persons responsible for the publication or distribution of the same and the names of the officers of each such association, committee or corporation shall be guilty of a Class "A" misdemeanor.

SECTION 77. Disguised political contributions prohibited.

(a) Any person who shall knowingly solicit or accept or agree to solicit or accept any political contribution to be used or expended by any person for or on behalf of a person who is a candidate, as defined by this act, with the understanding that such contribution would not be disclosed or divulged as required by this act or with the understanding that such contribution would be entered, recorded, disclosed or divulged in the name of another, shall be guilty of a Class "C" felony.

(b) Any person who shall offer to give or gives any political contribution to be used or expended by any person for or on behalf of any person who is a candidate, as defined by this act, with the understanding that such contribution would be recorded, entered, disclosed or divulged in the name of another, shall be guilty of a Class "C" felony.

SECTION 78. Allowing false use of name, etc.

Any person who shall knowingly allow or permit any person's name to be used to effect or facilitate a political contribution, as defined by this act, in the name of a person other than the true donor thereof shall be guilty of a Class "C" felony.

SECTION 79. Fraudulent misrepresentation of campaign authority.

Whoever, being a candidate, as defined by this act, or an employee or agent of such candidate:

(a) fraudulently misrepresents himself or herself or any committee or organization under his or her control as speaking or writing or otherwise acting for or on behalf of any other candidate or political party or employee or agent thereof on a matter which is damaging to such other candidate or political party or employee or agent thereof; or

(b) willfully and knowingly participates or conspires to participate in any plan, scheme or design to violate the provisions of section 79(a) shall, or each offense, be guilty of a Class "A" misdemeanor.

SECTION 80. Use of office for personal financial gain.

Any commissioner, employee of the commission, director, or employee of the office of the director who shall use his or her official position or office to obtain direct personal financial gain for himself or herself or for his or her family or for any business with which he or she or a member of his or her family is associated shall be guilty of a Class "C" felony unless such use and gain are specifically authorized by law.

For the purposes of this section "business with which he or she or a member of his or her family is associated" shall mean a business of which such commissioner, director or employee or such family member is an officer, owner, partner, employee or holder of more than ten percent (10%) of the fair market value of such business.

SECTION 81. Offers of gratuities, etc.

(a) Any utility, regulated business or holding company or any person associated with a utility or regulated business who shall offer to give, directly or indirectly, to a commissioner or an employee of the commission, any gift, gratuity, thing of value, loan, employment or promise of employment or political contribution shall be guilty of a Class "C" felony.

(b) Any utility, regulated business or holding company or any person associated with a utility or regulated business who shall, directly or indirectly, offer or give to a director or employee of the office of the director any gift, gratuity, thing of value, loan, employment or promise of employment or political contribution shall be guilty of a Class "C" felony.

SECTION 82. Accepting gifts, gratuities, etc.

(a) Any commissioner or employee of the commission who shall solicit or accept directly or indirectly any gift, gratuity, thing of value, loan, employment or promise of employment or political contribution from any utility, regulated business or holding company or a person associated with a utility or regulated business shall be guilty of a Class "C" felony.

(b) Any director or employee of the office of the director who shall directly or indirectly solicit or accept from a utility, regulated business or

holding company or person associated with a utility or regulated business any gift, gratuity, thing of value, loan, employment, promise of employment or political contribution shall be guilty of a Class "C" felony.

SECTION 83. Gifts and political contributions from utilities and persons associated therewith.

(a) Any candidate, as defined by this act, who shall, directly or indirectly, solicit or accept any gift, gratuity, thing of value, loan, employment or promise of employment or political contribution from a utility or regulated business or holding company or from a person associated with a utility or regulated business shall be guilty of a Class "C" felony.

(b) Any person who shall, directly or indirectly, solicit or accept any gift, gratuity, thing of value, loan, employment or promise of employment or political contribution from a public utility or regulated business or holding company or from a person associated with a utility or regulated business with the intent that the same be used or expended by any person for or on behalf of any person who is a candidate, as defined by this act, or with the intent that the same be used or expended in connection with the appointment or employment of any person, on, to or with the commission or the office of director, shall be guilty of a Class "C" felony.

SECTION 84. Offering gifts and gratuities by utilities, etc.

(a) Any public utility or regulated business or holding company or a person associated with a utility or regulated business who shall offer to give, directly or indirectly, any gift, gratuity, thing of value, loan, employment, or promise of employment or political contribution to any candidate, as defined by this act shall be guilty of a Class "C" felony.

(b) Any utility, regulated business or holding company or person associated with a utility or regulated business who shall offer, or give, directly or indirectly, any gift, gratuity, thing of value, loan, employment or promise or employment or political contribution to any person with the intent that the same be used or expended by any person for or on behalf of a person who is a candidate, as defined by this act or with the intent that the same be used in connection with the appointment or employment of any person to or with the commission or to or with the office of director shall be guilty of a Class "C" felony.

SECTION 85. Any person who shall directly or indirectly offer, give, donate or tender, any political contribution in excess of one thousand dollars or in lesser amounts the sum total of which exceeds one thousand dollars to any candidate, as defined, shall be guilty of a Class "C" felony.

SECTION 86. Any person who shall accept, agree to accept, solicit, take or receive, directly or indirectly, from any person any political contribution for any candidate, as defined, in excess of one thousand dollars or in lesser amounts the sum total of which exceeds one thousand dollars shall be guilty of a Class "C" felony.

SECTION 87.

(a) Any person who shall directly or indirectly, offer, give or promise any money, gift, gratuity, loan, thing of value, testimonial, privilege, personal advantage, or any political campaign contribution including a political contribution, as defined, to any commissioner, employee or other agent of a commissioner or of the commission, director of utility consumer representation, or employee or other agent of such director or the office of such director

with the intent to influence such commissioner, director, employee or agent in the performance of his public or official duties shall be guilty of a Class "B" felony.

(b) Any person who shall directly or indirectly, offer, give or promise any money, gift, gratuity, loan, thing of value, testimonial, privilege, personal advantage, or any political campaign contribution including a political contribution, as defined, to a judge, justice, master, referee of any court or to any employee or other agent of any court with the intent that the public or official duties of such judge, justice, master, referee, employee or agent be influenced in regard to any appeal or other litigation affecting the commission or the commission's proceedings, orders or decisions shall be guilty of a Class "B" felony.

SECTION 88.

(a) Any commissioner, employee or other agent of any commissioner or the commission, director of utility consumer representation or any employee or other agent of such director or of the office of such director who corruptly solicits or accepts or agrees to solicit or accept any gift, gratuity or other thing of value or any political campaign contribution, including a political contribution, as defined, or any promise to make any gift, gratuity or to do any act beneficial to such commissioner, director, employee or agent under an agreement or with an understanding that such commissioner's or director's, employee's or agent's act, vote, opinion, decision or judgment is to be given or withheld in any particular manner or upon any particular side of any cause, question or proceeding which is pending or which may be by law brought before such commissioner, director, employee or agent in such commissioner's, director's, employee's or agent's official capacity or that such commissioner, director, employee or agent is to make or not make any particular appointment in such commissioner's, director's, employee's or agent's official capacity shall be guilty of a Class "B" felony.

(b) Any judge, justice, master, referee or any employee or other agent of any court in which any matter affecting the commission or the commission's orders, decisions or proceedings may be brought by law who corruptly solicits, accepts or agrees to accept any gift, gratuity or other thing of value or any political campaign contribution including a political contribution, as defined, or any promise to make any gift, gratuity or to do any act beneficial to such judge, justice, master, referee, employee or agent under an agreement or with an understanding that such judge's, justice's, master's, referee's, employee's or agent's act, vote, opinion, decision or judgment is to be given or withheld in any particular manner or upon any particular side of any cause, question or proceeding which affects the commission, the commission's orders, decisions or proceedings shall be guilty of a Class "B" felony.

SECTION 89. Limitations on prosecutions.

The prosecution of all offenses designated as felonies in this act must be commenced within six years after the commission of the offense.

SECTION 90. Right of consumer to participate in hearings.

With respect to the right of participation in regulating proceedings as provided in section 2 above:

(a) utility rates shall not be increased nor shall service regulations substantially affecting consumer's rights be promulgated, modified or repealed, except after a public hearing thereon, with adequate notice to the consuming public at the time and place of such hearings;

(b) any consumer or customer may appear at any such public hearing and present orally or in writing comments relevant to the matters at issue. Such comments may be presented by the presentation of witnesses or the appearance of legal counsel or both, but no person shall be required to be a member of the bar of the state of Alabama in order to represent other persons in such a proceeding;

(c) a consumer shall have the right to examine witnesses of a utility and to pursue such discovery as may be provided by law in civil actions in courts of record in this state and to appeal from adverse decisions as a party of record if:

(1) the consumer has formally intervened by appropriate procedures provided by law; and

(2) the consumer demonstrates that: (i) the consumer has a special interest in such proceeding which is unique to the consumer or to a class of customers other than a class of all utility consumers, or (ii) that the consumer intends to raise or argue an issue which no other party to the proceeding will adequately raise or argue in his behalf, or (iii) that the consumer has special expertise or special information with respect to the issues before the forum which will contribute substantially to the resolution of the issues involved in the hearing;

(d) a consumer shall not be barred or deterred from participation in any proceeding affecting utility rates or service regulations by financial barriers imposed by the forum or otherwise imposed by law, and shall have the right upon the filing of a sworn statement of financial inability to proceed in forma pauperis in such proceeding. The fact that a consumer has extended funds to retain legal counsel shall not be grounds for denial of an application to proceed in forma pauperis;

(e) the fact that a participant in such a proceeding is employed by the state of Alabama or any political subdivision thereof shall not be used as the basis for denial of participation, if that person could otherwise participate under this section.

SECTION 91. District attorneys to initiate cases in behalf of consumers.

The district attorney of each judicial circuit may initiate any case, cause, action or proceeding before the commission or the courts or intervene therein on behalf of the consumers of his or her respective judicial circuit in the name of the state of Alabama.

No district attorney shall be barred, deterred or prevented from representing the consumers of his or her judicial circuit in any commission or court proceeding by financial barriers imposed by the commission, court, or otherwise imposed by law.

A district attorney shall have the right to issue subpoenas for persons, records and documents or other evidence when in such district attorney's discretion or opinion it is necessary to represent the consumers of his or her judicial circuit.

When a district attorney shall in the name of the state of Alabama appeal from a judgment annulling or suspending any rates or orders there shall not be required any security for the costs of said appeal or any bond or undertaking to supersede the judgment. Such appeal of such district attorney without such bond, shall have the effect of superseding the judgment, and the rate or

rates or order or orders complained of or annulled or suspended by the judgment shall be and remain the established rates or orders and shall so be regarded and observed until the judgment shall be affirmed and the said rates or orders annulled or suspended by the supreme court unless a supersedeas bond is continued in effect.

SECTION 92. Commission meetings to be open.

All meetings of the commission which pertain to any matter or proceeding pending before it shall be on the record and shall be open or accessible to the public. Any commission member who attends executive sessions or secret meetings which pertain to the merits of any matter or proceeding before such commission shall be guilty of a Class "C" felony.

SECTION 93. Ex parte communications prohibited.

Except as permitted hereinafter, no person who is a party to, or his counsel, agent or other person acting on his behalf, and no intervenor in any proceeding before the public service commission which is, or is reasonably anticipated to be, a contested case or adversative in nature, shall submit ex parte, off the record communications to any member of the commission or to his personal staff or to any hearing officer or other employee who is in a decision-making capacity with respect to the issues in such proceeding. For the purpose of this section, in addition to the definition of "ex parte communication" found in section 3 of this act, an "exparte communication" shall mean an oral or written communication relative to the merits of any such proceeding then pending or anticipated to be pending within six months thereafter which communication is not on the public record and with respect to which reasonable prior notice to all parties is not given. However, the term "ex parte communication" shall not include any requests for status reports on any matter or proceeding.

The prohibitions contained in this section do not apply to a communication from a member of the general public who is not an intervenor in the proceeding and is not directly or indirectly related to such an intervenor and who is not a person with a pecuniary interest in or a person related to such an intervenor; nor shall it apply to communications which all parties to the proceedings agree may be made on an ex parte basis; nor shall it apply to routine or field audits of utilities or regulated businesses by the commission or commission staff not undertaken to investigate or study a matter pending in issue before the commission in a contested case. These prohibitions shall not apply to requests for information which is of record or to requests for information or assistance of a purely procedural nature.

Any commissioner, staff member employed by a commissioner, or hearing officer or other person in a decision-making capacity who receives such a prohibited ex parte communication or any party who is aware that such communication has occurred, shall report such communication immediately to the commission in writing, giving the name of the communicator, the name of the person receiving such communication, the time and date of such communication and the substance thereof. The commission, upon receiving a report of such a prohibited ex parte communication, shall require the communicator to show cause why his client or interest or that of the party in whose interest such communication was made, should not be dismissed, denied, disregarded or otherwise adversely affected on account of such violation.

SECTION 94. Ex parte communications; criminal penalties.

Any person who engages in an "ex parte communication" as defined by this act, or who violates the provisions of section 93 of this act, shall be guilty of a Class "A" misdemeanor.

SECTION 95. Records of public service commission, criminal penalties.

(a) Any person who shall feloniously steal, take, carry away, secrete or destroy, the whole or part of any report, record, book pleading, paper, exhibit, transcript, document or other writing authorized by the commission or by law to be kept, maintained or stored at the commission or any office thereof shall be guilty of a Class "C" felony.

(b) Any person who shall feloniously steal, take, carry away, secrete or destroy, the whole or part of any report, record, book, pleading, paper, exhibit, transcript, document or other writing belonging to or filed with the commission, shall be guilty of a Class "C" felony.

SECTION 96. Failure to file reports, criminal penalties.

Any person owning, operating or controlling a utility or regulated business who shall fail, omit or refuse to file any report which may be required or ordered by the commission within the time prescribed by the commission for the filing of such reports shall be guilty of a Class "C" misdemeanor and each day of such failure or omission shall constitute a separate offense.

SECTION 97. Annual reports, criminal penalties.

Any person associated with a utility or regulated business or any utility or regulated business required by the laws of this state to make an annual report of its gross receipts which fails, omits or refuses to make or file such statement at the time and in the manner as required by law, or any agent or officer of any such utility or regulated business who is charged with the duty by contract or law of making such report, who fails, omits or refuses to make such report at the time and in the manner as required by law, shall be guilty of a Class "A" misdemeanor, and each day of such failure or omission to file shall constitute a separate offense.

SECTION 98. False entry, criminal penalties.

Any person who willfully makes or causes to be made any false entry in the accounts or records prescribed by the commission for any public utility or regulated business or who willfully fails or refuses to correct a false impression which such person has previously created or confirmed in regard to such accounts or records or who willfully destroys, mutilates or by any other means willfully falsifies such accounts or records or willfully fails or refuses to make full and complete entries of all facts and transactions appertaining thereto, shall be guilty of a Class "C" felony.

SECTION 99. False returns, criminal penalties.

Any person who willfully makes or causes to be made any false return or report or who willfully fails or refuses to correct a false impression which such person has previously created or confirmed in regard to a return or report or who willfully fails or refuses to make a full and complete return or report to the public service commission or any member, agent, or employee thereof, shall be guilty of a Class "C" felony.

SECTION 100. False accounting, criminal penalties.

Any person who files, makes or submits or causes to be filed, made or submitted any return, report, record, accounting, information or statement as required by the laws of this state or pursuant to any rule, regulation or order of the commission or pursuant to any lawful subpoena issued by the said commission shall certify under oath that the contents of the said return, report, record, accounting, information or statement are true, accurate and complete. Any person who knowingly files, makes or submits or knowingly causes to be filed, made or submitted such return, report, record, accounting, information or statement which contains or includes entries, statements, matters, materials or documents which are false, incorrect or inaccurate, shall be guilty of a Class "C" felony.

SECTION 101. Obstructing commissioner, director, etc.

Any person who corruptly hinders, delays, obstructs or impedes the commission or any member, agent or employee thereof, or the director or any member, agent or employee of the office of the director, in the discharge of the duties hereby imposed upon them or in the lawful exercise of any authorities granted them by law, shall be guilty of a Class "C" felony.

SECTION 102. Purchases by bid only, criminal penalties.

All public utilities or regulated businesses shall contract for the purchase of fuel, goods, equipment, services or supplies only by competitive bid according to the laws of this state for public contracts generally.

Any utility or regulated business or employee thereof who shall willfully fail or refuse to purchase such fuel, goods, services, equipment or supplies shall be guilty of a Class "A" misdemeanor. Each day of such failure or refusal shall be considered a separate offense.

SECTION 103. Accepting rebates, concessions or discrimination; criminal penalties.

Any person who shall demand or knowingly accept or receive any rebate, concession or discrimination in respect to charges or rates of service of any utility or regulated business, or who shall knowingly, by any device or artifice whatsoever, secure a less rate than that prescribed in the schedule or service regulations of such utility or regulated business filed with the commission, whereby such person shall receive any service or advantage other than that which is provided by law, shall be guilty of a Class "C" felony.

SECTION 104. Granting unlawful concessions or rebates.; criminal penalties.

Any utility or regulated business doing business in this state or any of its agents, officers or employees who are guilty of knowingly or willfully granting or giving to any person or persons any concession or rebate in respect to its lawful charges or rates shall be guilty of a Class "C" felony.

SECTION 105. Violations of commission orders relating to rates; criminal penalties.

Any utility or regulated business or any employee thereof who, by any device or artifice whatsoever, knowingly or willfully violates or fails to obey, observe or comply with any order, decree or ruling of the commission relating to the charge, demand or receipt of rates or tariffs shall be guilty of a Class "C" felony for each offense.

SECTION 106. Power of eminent domain,—

With respect to the right to be protected against unwarranted exercise of the power of eminent domain as set forth in section 2 above:

(a) no utility or regulated business may endeavor to take any interest in any property by the exercise of the power of eminent domain without having first sought and obtained written permission to so endeavor from the commission.

(1) Such permission shall be obtained only by the filing of a verified written petition with the commission. A copy of such petition must be served upon all persons having any interest in the property sought to be obtained by the exercise of power of eminent domain. A copy of such petition must also be filed and recorded in the office of the probate judge of each county where such property is located.

(2) Such petition must contain:

(A) a full, accurate legal description of the property sought to be taken by the exercise of the power of eminent domain;

(B) all the facts and circumstances which necessitate the taking of such property;

(C) an accurate and truthful statement by the petitioner as to such petitioner's intentions regarding such property;

(D) an accurate and truthful statement as to how such property will be utilized by the petitioner for the public good;

(E) the nature, type and description of any facilities which may be placed upon such property and the purpose for which such facilities will be used;

(F) a statement of any less burdensome alternative methods for achieving the result intended by the exercise of the power of eminent domain;

(G) a statement of assurance to the owners of such property that in the event of abandonment of such property or the abandonment of any facilities placed thereon or the sale or use of such property for a non-utility purpose or the sale or lease of such property to a person or persons serving persons exclusively outside the state of Alabama, such property shall and will revert to the owners of such property at the time of the taking or to their heirs, successors or assignees.

Such statement of assurance shall as a matter of law create and establish such reversionary interest on behalf of the owners of such property, their heirs, successors or assignees.

(3) Upon the filing of such petition, the commission shall hold public hearings as to the merits thereof. Such hearings shall be held in a manner so as to afford all persons having an interest in such property the right to be heard in respect to such petition. The commission shall give reasonable and specific advance notice of the date, time and place of such hearings to all persons having an interest in such property.

At the conclusion of such hearings, the commission shall issue an order granting or denying the utility the right to endeavor to exercise the powers of eminent domain; and the commission shall cause a copy of such order to be filed with the office of the judge of probate of each county where such property is located.

No order of the commission granting or denying a utility or regulated business the right to endeavor to exercise the power of eminent domain shall issue unless such order contains specific and detailed findings of fact. A copy of such order shall be served upon the petitioner and all persons having an interest in the property affected.

Further, no order granting a utility or regulated business the right to endeavor to exercise the power of eminent domain shall be issued by the commission unless the commission shall find that:

(A) such endeavor is in the interest of the consuming public or in the interest of the utility's present or future customers;

(B) the facilities intended to be placed upon such property are reasonable and necessary to the present or future customers of the utility;

(C) there is no less burdensome alternative method for achieving the same results; and

(D) a copy of the petitioner's petition has been filed with the office of the judge of probate of each county where the property affected is located.

(b) In the event of abandonment of such property or the abandonment of any facilities placed thereon or the sale or use of such property to a person or persons serving persons exclusively outside the state of Alabama, the owners of the property shall be entitled to reclaim such property upon payment to the utility of the fair market value of the property which existed at the time of the taking plus the actual costs of any improvements thereon.

The owners of such property shall have a period of not less than 18 months in which to tender to the utility the fair market value thereof and the actual costs of improvements, if any.

In case of rights-of-way or easements condemned on private property for electric or telephone transmission facilities, the commission may require, where appropriate under all the circumstances, that such transmission facilities be placed underground in order to minimize the interference with the use of the property by the owner or occupant; and when such transmission facilities are required to be placed underground, the utility shall file a plat showing the exact location of such underground facilities in the probate court of the county in which the property containing such right-of-way or easement lies in order to give notice to future owners and occupants of such property of the existence and location of the same, and the utility shall be liable for any damages suffered by any person for the failure to properly record such plat.

In the case of abandonment by a utility of a right-of-way or easement lying on a common boundary of adjacent properties, the title of the property upon which such right-of-way or easement lies shall be given at the time of such abandonment to the present owners of such adjacent properties; provided, however, such property owners shall receive that portion of the property upon which such right-of-way or easement lies from the center line of such right-of-way or easement.

SECTION 107. Customer records, criminal penalties, right of privacy.

(a) No utility may disclose to any person any portion of a record of local or long distance telephone calls made from a customer's telephone without the customer's written consent obtained at the time of the disclosure or as may be required by any subpoena.

(b) No record of a customer's bill payments shall be disclosed to any person for any purpose, except under subpoena, without the written consent of the customer obtained at the time of such disclosure, except where an outstanding bill constitutes a lien on real property and the information is requested by a person holding a contract to purchase such property or an attorney acting in his behalf.

(c) Any person or utility violating the provisions of this section shall be guilty of a Class "A" misdemeanor.

SECTION 108. Non-published numbers.

The identity of any person who has requested an unlisted telephone number shall not be disclosed to any person without the customer's written consent or a subpoena issued according to law.

SECTION 109. Right of access.

(a) No utility may require a pre-connection service deposit from a customer which exceeds one and a half times the average anticipated or experience monthly billing for the customer's service. Where such deposit is based upon service to a previous customer at the same premises, the customer applying for service shall have the right to demonstrate to the utility that service to the new customer shall be less than that provided to the previous customer at the premises.

(b) Any utility or regulated business which requires a pre-connection or pre-service deposit from a consumer or customer shall pay to such consumer or customer interest on such deposit at the average prime rate of interest as reported by the three largest banks in New York City for the period in which such deposit or any portion thereof was retained by such utility or regulated business.

(c) Where a utility bills for all or part of its services in advance of delivery of the service, such portion of the bill as may be billed in advance shall not be considered in determining the amount of any service deposit required.

(d) No customer shall be denied service on the basis of the failure of a previous customer to pay a bill for service at that premises unless the new customer is otherwise legally responsible for such bill.

(e) No customer shall be denied service on the basis of the failure of the customer's spouse to pay for service at a different residence.

(f) No natural person who is a customer shall be denied service on the basis of a bankruptcy against any previous obligation to the utility by that customer, nor shall any utility endeavor to deny such customer service or terminate service on condition that such customer reassumes an obligation to the utility after such bankruptcy.

(g) No customer shall be denied service on the basis that the utility holds a lien on the premises occupied by the customer for the failure of a prior occupant to pay the bill to the utility, unless that customer is the owner of the said premises.

SECTION 110. Right of continuance of services.

(a) No utility may terminate service for nonpayment of an estimated billing; for this purpose, an "estimated billing" shall be any billing based on

any method of calculation other than the actual reading of a utility meter, if applicable, or actual use of the service if normally recorded in some other manner.

(b) No utility, except for purposes of repairing malfunctioning equipment creating a hazard to safety, shall terminate, without the consent of the customer, natural gas or electric service used for residential heating if the outside temperature for such residence officially provided by any United States weather bureau service is or is anticipated to be below 32° fahrenheit or 0° centigrade at any time during the day service is terminated.

(c) No utility may terminate any utility service upon the nonpayment of a disputed billing, provided that the utility customer pays within the time required by this act, or other regulations of the commission, the undisputed portion of the billing. The utility customer shall have the duty to inform the utility that the bill is in dispute within the time normally allowed for the payment of bills. If the dispute is resolved against the customer, in court or by any method prescribed by the commission which provides the customer the due process of law, the customer shall pay the remaining amount of the bill for which he is legally obligated within 15 days or be subject to termination for nonpayment.

(d) No utility may terminate service for failure of a customer to pay an increased service deposit where such is permitted as provided above except after 30 days notice. Any proposed increase in service deposits shall be subject to dispute as provided in subsection (c) above.

SECTION 111. Access to non-utility property of utilities.

All residents of the state of Alabama shall have equal access to the rental or use of any recreational property owned by any utility or other regulated business in this state upon the same terms and conditions and without favor or discrimination on any basis. For this purpose, the term "recreational property" shall mean and include, without limitation: lakes, hunting preserves, parks and other facilities. It shall not include property held for the use of company employees, unless such facilities are in the rate base upon which the utility requests rates to be established.

SECTION 112. Monitoring customers' conversations, criminal penalties.

(a) Every person who shall make a connection, by wire or otherwise, with any telegraph or telephone wires not owned or leased by him, for the purpose of obtaining information or listening to the transmission of telegraphic dispatches or telephone messages to which he is not entitled, and any person who wrongfully obtains or attempts to obtain any knowledge of a telegraphic or telephone message by connivance with a clerk, operator, messenger or other employee of a telegraph or telephone company, or who, being such clerk, operator, messenger or other employee, willfully divulges to anyone but the person for whom it was intended the contents or nature of a telegraphic or telephone message or dispatch of which contents he or she may in any manner become possessed, shall be guilty of a Class "C" felony; provided, however, nothing contained in this subsection shall be construed as denying or abridging the right of a person to record or transcribe a conversation to which he or she was a party.

(b) Any telephone company or employee thereof who shall at any time monitor or listen to a customer's oral communication or conversation transmitted by way of telephone or other transmitting device without such

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customer's consent except as may be temporarily necessary to determine if telephone equipment is functioning adequately or properly shall be guilty of a Class "C" felony.

(c) Any telephone company or employee thereof who shall record or attempt to record or transcribe a customer's oral communication or conversation transmitted by telephone or other device on any recording equipment or recording device without such owner's consent shall be guilty of a Class "C" felony.

SECTION 113. Evidence admissibility.

A conviction may be had in the trial of any person charged or indicted for any criminal offense defined in this act upon the uncorroborated testimony of an accomplice.

SECTION 114. Requiring witnesses to testify before grand jury.

(a) Witnesses before the grand jury subpoenaed to give evidence of any violation of this act may be required to answer generally as to any such offense within their knowledge committed within 72 months next preceding without being specially interrogated as to any particular offense; provided that, such witness first asserts his or her privilege against self-incrimination and is thereafter, upon the filing of a written petition by the attorney general or the appropriate district attorney, compelled or ordered by a circuit judge to so testify; provided further that, no such witness shall be prosecuted for any offense or transaction as to which he or she testified before such grand jury and no such testimony shall be used against him or her; provided further that, no person testifying shall be exempted from prosecution and punishment for perjury committed in so testifying; provided further that, the testimony of any such witness must be recorded or transcribed and preserved as part of the official records of such grand jury.

SECTION 115. Conspiracy to violate the felony provisions of this act.

Any person, who with the intent that conduct constituting a felony (as described within this act) be performed, agrees with one or more persons to engage in or cause the performance of such conduct, shall be guilty of a Class "C" felony. An overt act to effect an objective of the agreement is not a prerequisite to a conviction under this section:

SECTION 116. Conspiracy to violate the misdemeanor provisions of this act.

Any person, who with the intent that conduct constituting a misdemeanor (as described within this act) be performed, agrees with one or more persons to engage in or cause the performance of such conduct, shall be guilty of a Class "A" misdemeanor. An overt act to effect an objective of the agreement is not a prerequisite to a conviction under this section.

SECTION 117. Section 37-1-12.1, Code of Alabama, 1975, is hereby expressly repealed.

SECTION 118. Section 37-1-12.2, Code of Alabama, 1975, is hereby expressly repealed.

SECTION 119. Section 37-1-91, Code of Alabama, 1975, is hereby expressly repealed.

SECTION 120. Section 37-3-25(d), Code of Alabama, 1975, is hereby expressly repealed.

SECTION 121. Section 37-4-17, Code of Alabama, 1975, is hereby expressly repealed.

SECTION 122. Section 37-4-18, Code of Alabama, 1975, is hereby expressly repealed.

SECTION 123. Section 37-4-19, Code of Alabama, 1975, is hereby expressly repealed.

SECTION 124. Section 37-4-20, Code of Alabama, 1975, is hereby expressly repealed.

SECTION 125. Section 37-4-21, Code of Alabama, 1975, is hereby expressly repealed.

SECTION 126. Section 37-4-87(b), Code of Alabama, 1975, is hereby expressly repealed.

SECTION 127. Section 37-8-3, Code of Alabama, 1975, is hereby expressly repealed.

SECTION 128. Section 37-8-4, Code of Alabama, 1975, is hereby expressly repealed.

SECTION 129. Applicability of act.

This act shall not terminate the pre-existing Alabama public service commission or appointments thereto or any certificates, permits, orders, rules or regulations issued by said commission or any other action taken by said commission, nor affect in any manner the existing franchises, territories, tariffs, rates, contracts, service regulations and other obligations and rights of public utilities, unless and until altered or modified by or in accordance with the provisions of this act.

SECTION 130. Proceedings to compel compliance.

The attorney general, the director of utility consumer representation, the district attorney of Montgomery county or any commissioner or consumer may intervene or initiate civil proceedings to compel compliance with this act.

SECTION 131. Severability.

The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional in application or effect, such declaration shall not affect the part which remains, so that in the event that one or more provisions of this act should be held invalid or unconstitutional in application or effect, this act shall be construed as if such invalid or unconstitutional provision had not been included herein.

SECTION 132. Separability.

In the event that any section or sections of this act are deemed to be inapplicable to any person, any class of persons or any set of circumstances, the applicability of such section or sections to the remaining persons, classes of persons or sets of circumstances shall not be affected thereby.

SECTION 133. Prior acts repealed.

All laws and parts of laws in conflict herewith are hereby repealed.

SECTION 134. Effective date.

This act shall become effective upon its approval by the governor or upon its otherwise becoming law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 58; Nays 21.

Yeas:

Mr. Speaker, Adams (C), Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (W), Cobb, Daniels, Dial, Dixon, Goodwin, Grimsley, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, McMillan, Minus, Moore, Nevett, Olive, Owens, Parker, Pegues, Penry, Rains, Ray, Riddick, Sasser, Shoemaker, Smith (C), Smith (M), Stout, Trammell, Turner, Venable, Ward, Whatley, Williams, Willis and Wyatt.

—58

Nays:

Reps. Adams (H), Barton, Boles, Carter, Clark (G), Cosby, Edwards, Ford, Gilmer, Greer, Grouby, Johnson (Roy), McKee, Manley, Naramore, Payne, Roberts, Seibels, Smith (J), Stewart and Warren.

—21

AMENDMENT OFFERED

Rep. Pegues offered the following amendment to the bill, H. 647 as amended:

In Synopsis page one line 20 strike word five and add in lieu of the word "three"

On page 27, Section 37-1-4(a) line 24 strike word five ("five") add the word "three"

AMENDMENT LOST

And the amendment was lost.

Yeas 26; Nays 61.

Yeas:

Mr. Speaker, Biddle, Blake, Brakefield, Cabaniss, Cates, Clark (G), Cosby, Dial, Edwards, Gafford, Grimsley, Hammett, Kelley, Manley, Minus, Moore, Owens, Pegues, Risick, Shoemaker, Smith (C), Stewart, Trammell, Venable and Willis.

—26

Nays:

Reps. Adams (C), Adams (H), Amari, Barton, Bennett, Boles, Buskey, Carothers, Carter, Cheatwood, Clark (W), Cobb, Cooley, Daniels, Dixon, Drinkard, Escott, Ford, Gilmer, Goodwin, Greer, Grouby, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Lewis, McKee, McMillan, Naramore, Nevett, Olive, Parker, Patton, Payne, Penry, Rains, Ray, Roberts, Sasser, Seibels, Smith (J), Smith (M), Stout, Tucker, Turner, Waggoner, Ward, Warren, Whatley, Williams and Wyatt.

—61

AMENDMENT OFFERED

Rep. Venable offered the following amendment to the bill, H. 647 as amended:

Amend H. B. 647, page 29, line 14, after the word "duties" by striking on the first Monday and insert in lieu thereof as soon as elected and qualified

Further amend H. B. 647, page 29, lines 15 and 16 after the word "expire" by striking on the first Monday and inserting in lieu thereof at midnight on the day of the

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Cosby, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Lewis, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—83

AMENDMENT OFFERED

Rep. Campbell offered the following amendment to the bill, H. 647 as amended:

Amend H. B. 647 (as substituted) on page 88, line 33 by adding the following new section 67A:

None of the provisions of Section 57 through 67 shall apply to any elections other than those for chairman or commissioner of the Public Service Commission.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bennett, Biddle, Blake, Boles, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Parker, Patton, Payne,

Pegues, Penry, Ray, Reed, Riddick, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Williams and Wyatt.

—78

AMENDMENT OFFERED

Rep. Manley offered the following amendment to the bill, H. 647 as amended:

Amend H. B. 647 (as substituted) on page 116, by striking the following: Section 113 and by renumbering all subsequent sections accordingly.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Reed, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Warren, Whatley, Williams and Wyatt.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. B. 489. To amend section 4 of Act No. 135 enacted at the 1978 Second Extraordinary Session of the Legislature of Alabama (Acts of 1978, p. 1868), § 40-7-25.1, Code of Alabama 1975, which act was entitled "An Act to provide for the appraisal, for purposes of ad valorem taxation, by the State of Alabama and by counties, municipalities and other taxing authorities, of certain taxable property at its current use value and not at its fair and reasonable market value; to amend Sections 40-7-15, 40-7-25, and 40-7-35, Code of Alabama 1975; to prescribe criteria for ascertaining the current use value of eligible taxable property; to require that the owner of eligible taxable property request that such property be appraised at its current use value and to prescribe the contents of the application form to be used therefor; to provide for the treatment of such property in the assessment book prepared by each county tax assessor; to require the abstract of property prepared by each county tax assessor to include certain specified information; to provide for review of the decision of the county tax assessor denying a request for current use valuation of such property; to authorize the Department of

Revenue to promulgate regulations regarding the determination of current use value; to provide for the computation and collection of additional taxes when taxable property assessed at its current use value is converted to a use not qualifying for such assessment; to provide that such additional taxes shall be a lien on such taxable property; and to provide an effective date for the act," so as to provide for the further definition of current use value of Class III property and to provide for methods of determining current use value on and after October 1, 1981 through the use of standard value formulas, to describe and set out those formulas, and to provide a mechanism for appeal of standard value determination with respect to individual parcels of Class III property.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolution, to-wit:

H. 668. Relating to Shelby County; amending Act No. 80-408, H. 809, 1980 Regular Session (Acts 1980, p. 567), which provides for voter reidentification in Shelby County, so as to extend the time limit, provide for the compensation of the board of registrars and to make certain provisions of this Act retroactive to the date of the original Act No. 80-408, viz May 8, 1980.

Also:

H. 909. To authorize the governing body of Lee County, Alabama, to levy and collect special county privilege and license taxes, generally paralleling the state sales taxes provided for in Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, and special county excise taxes generally paralleling the state use taxes provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; to specify the rates at which such taxes may be levied; to provide for the ascertainment, collection, payment, distribution and use of the proceeds of the said taxes if levied by the said governing body, and for the enforcement of this act by the State Department of Revenue; to specify the maximum duration for which any such taxes may be levied; and to prescribe penalties and fix punishment for violations of this act.

Also:

H. J. R. 337. Relative to Sine Die adjournment May 18, 1981.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and House Joint Resolution, the titles of which are set out in the above and foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 171. COMMENDATION OF JOSEPH P. GIVHAN FOR HIS OUTSTANDING SERVICE TO ALABAMA.

Also:

S. J. R. 172. REQUIRING THE CHIEF EXAMINERS OF PUBLIC ACCOUNTS TO ASCERTAIN AMOUNT OWED BY STATE TO THE COUNTIES FOR HOUSEING, FEEDING, AND CARING FOR STATE PRISONERS.

Also:

S. J. R. 175. HONORING MR. TOMMY GOFF OF AUBURN, ALABAMA.

Also:

S. J. R. 176. MOURNING THE DEATH OF MR. JAMES R. RAIFORD OF MONTGOMERY, ALABAMA.

Also:

S. J. R. 177. MOURNING THE DEATH OF W. D. "WILLIE" DeARMOND, MONTGOMERY, ALABAMA.

Also:

S. J. R. 179. COMMENDING JUDY G. McLEAN, ON SUCCESSFULLY COMPLETING THE EXAMINATION FOR CERTIFIED PUBLIC ACCOUNTS.

Also:

S. J. R. 180. COMMENDING THE UAH CHARGER HOCKEY TEAM.

Also:

S. J. R. 185. MOURNING THE DEATH OF DR. JOHN R. MORTON, JR., OF TUSCALOOSA, ALABAMA.

Also:

S. J. R. 186. COMMENDING DON L. THOMAS OF OPP UPON HIS RETIREMENT.

Also:

S. J. R. 188. COMMENDING ANDREW MARK HUTCHER FOR HIS DEDICATED SERVICE DURING HIS EMPLOYMENT WITH THE ALABAMA STATE SENATE IN THE LIEUTENANT GOVERNOR'S OFFICE.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

H. 647 RESUMED

And the bill:

H. 647. Relating to a reorganization or restructuring of the Alabama public service commission by amending, supplementing and repealing certain provisions of Title 37 of the Code of Alabama so as to effectuate a declared state policy of promoting, preserving and protecting the interest of the consuming public through more stringent regulation of utilities and other businesses under the jurisdiction of the commission and by further amending, supplementing and repealing certain provisions of Title 37 of the Code of Alabama so as to; provide that the commission shall consist of five commissioners elected statewide and for a redefinition of such commissioner's qualifications, eligibility to hold office, powers, duties and purposes; provide terms of office, oath of office and compensation for commissioners; provide for a president of the commission and such president's duties generally; provide for employees of the commission; provide for the qualifications of hearing examiners; provide duties and responsibilities of hearing examiners; provide for a secretary or chief clerk of the commission; provide qualifications for commission employees; provide for a commission seal and keeper; provide for the impeachment and removal of commissioners; provide for the elective office of the director of utility consumer representation; provide qualifications; elections, appointments, terms of office and a salary for the director; provide for a permanent legislative oversight committee for utility consumers; provide for election of members, terms of office, duties and filling of vacancies of oversight committee members; provide an oath for the director; provide duties and responsibilities for the director and staff; provide the director with the authority to appoint or employ a staff subject to the director's supervision; provide for definitions of terms, phrases or words used in this act; provide for the transfer of public service commission employees to the director's office; provide the commissioners and the director the authority to approve official travel and other related expenses of their staff; provide a seal and keeper for the office of the director; provide that records of the office of the director shall be public records; provide for the impeachment or removal of the director; provide for the assignment of an assistant attorney general to represent consumers and the state in proceedings before the commission; provide powers and duties of the attorney general in connection with public utility services generally; provide that the commission furnishes copies of applications, pleadings and other papers filed with it to the attorney general; provide for the appropriation of \$250,000.00 or more per fiscal year

from the state general fund to be deposited into a consumer's utility rate hearing fund to be drawn upon by the director; provide that all funds in the currently existing consumer's utility rate hearing fund shall be made available to the director; provide rights of appeal from commission orders or decisions for the director; provide for bonds on commissioners, the director and certain of their employees; provide for a commission office in Montgomery, Alabama; provide for commission meetings and for a quorum of four commissioners; provide that the commission shall exercise judicial functions in the regulation of public utilities; provide for commission orders to contain findings of fact; provide that no changes in utilities' rates or schedules to be made without commission approval; provide that hearing examiners shall assist the commission in drafting the final order in all cases before the commission; provide that the commission shall retain jurisdiction over any case for a period of thirty days from the date of any final order of the commission published in writing in order to receive and review requests for reconsideration; provide for the filing of papers with the commission and service of same on the director; provide that any action taken by the commission shall be null and void on account of ineffective service of papers; provide that no hearing examiner shall conduct any hearing relating to a public utility which was the subject of a hearing over which that examiner presided during 12 months next preceding; provide that the commission's and the director's rights, powers, authority, jurisdiction and duties shall be exclusive in respect of rates, service regulations and equipment; provide for the commission to exercise supervisory and regulatory powers and for the director to exercise investigatory powers; provide for the commission and the director to report to the governor and the legislative oversight committee; provide for the commission or director to assist the department of revenue by furnishing information for the assessment of taxes against persons or corporations operating utilities or other businesses regulated by the commission; provide for the commission and director to exercise powers and authorities over foreign businesses engaged in interstate commerce not regulated under acts of congress; provide proceedings when the commission or the director is of the opinion that interstate rates or rules or regulations of any public utility are deemed unjust, discriminatory, unreasonable or excessive; provide for actions to enforce penalties or forfeitures under this act; provide for the establishment of an enforcement division of the office of the director; provide for the transfer of employees from the enforcement division of the public service commission to the office of the director; provide that utility rates shall be reasonable and nondiscriminatory and provide methods for determining a reasonable and fair return; provide that certain expenses to be disallowed for rate making purposes; provide for the operation of schedules of rates or service regulations, the suspension of such schedules, supersedeas bond requirements and refunds with interest in regard to such schedules; provide for the filing and contents of complaints before the commission; provide for customers and consumers to intervene in proceedings before the commission; provide the commission and the director with subpoena powers and empowering the circuit courts to compel compliance with the commission orders; provide a time for appeal and methods of perfection of appeal of commission orders or decisions; provide no bond requirements when appellant is the director or the state of Alabama; provide supersedeas bond requirements when the appellant is a utility; provide for the authorizing of issues of securities; provide for the bringing of actions to recover penalties; provide for authorizing employment of personnel to aid director in enforcement; provide for rules and regulations of the commission; provide director with authority to enforce orders, rules and regulations of the commission; provide for rights of utility consumers; provide for rules to effectuate public policy; provide for

neutrality of the commission, courts and other forums; provide for raising the issue of bias or conflict of interest by a verified petition to recuse; provide that a candidate for election to the commission or for the office of director designate a principal campaign committee; provide a penalty for failure to file a designation of a principal campaign committee; provide for the registration and certain organization of political committees seeking to influence the election for a commissioner or director; provide accounting for political contributions and recordkeeping relating thereto by such political committees in regard to an election for commissioner or director; provide criminal offenses in regard to elections for commissioners or the director; provide criminal offenses for falsification of certain reports or statements in regard to said elections; prohibit certain persons, utilities and regulated businesses from forming political committees in regard to said elections; provide for the designation of the number of depositories for political committee funds in regard to said elections; provide for use of contributions that are in excess of the amount necessary to defray expenditures of candidates for election to the commission or the office of director; provide for civil actions to compel the filing or correction of reports or statements by political committees in regard to elections for a commissioner or the director; provide criminal penalties for certain offenses relating to an election of a candidate for the commission or the director; provide criminal penalties for a commissioner, the director or their employees to exercise discretionary functions in regard to contracts when having a potential conflict of interest; provide a criminal penalty for misuse of confidential information by commissioners, director or employees; provide a criminal penalty for deprivation or threat to deprive person of employment or other benefit on account of any political activity in support of or opposition to a candidate for the commission or the office of director; provide a criminal penalty for promise of employment or other benefit for such political activities; provide a criminal penalty for solicitation, offer, gift or receipt of disguised political contributions; provide a criminal penalty for false use of name for political contributions; provide a criminal penalty for fraudulent misrepresentation of campaign authority; provide a criminal penalty for use of office of commissioner, director or employee of commission or director for personal gain; provide a criminal penalty for offering or giving a commissioner, employee of the commission, director or employee of the office of director a thing of value from utilities; provide a criminal penalty for commissioner, employee of the commission, director or employee of office of director for soliciting or accepting a thing of value from a utility; provide a criminal penalty for candidates for the commission or the office of director who solicit or accept a thing of value from a utility or certain persons; provide a criminal penalty for a person who solicits or accepts a thing of value to be used or expended by candidates for election to the commission or the office of director when such thing of value is solicited or accepted from a utility or persons associated therewith; provide a criminal penalty for a utility or persons associated therewith to offer or give a thing of value to or for candidates for election to the commission or the office of director; provide a criminal penalty for a person to offer or give a thing of value to any person with the intent that such thing of value be used or expended for or on behalf of candidates for election to the commission or the office of director; provide a maximum limit for political contributions for a candidate for election to the commission or the office of director and to provide criminal penalties in regard to violations relating thereto; provide a criminal penalty for any person to offer, give or promise a thing of value to any commissioner, employee, agent of a commissioner or the commission, director, employee or agent of such director with intent to influence the same in official duties; provide a criminal penalty for any person to offer, give or promise a thing of

value to a judge, justice, master or referee of any court or any employee or agent of any court with the intent that the public or official duties of such judge, justice, master, referee, employee or agent be influenced in regard to any appeal or other litigation affecting the commission or the commission's proceedings, orders or decisions; provide for a direct appeal to supreme court as a matter of right for cases regarding rates and charges of telephone companies and electric power companies and provide a preferred setting for same; provide time for taking such appeals and provide requirement of bond when appellant is utility or person; provide right of certain persons to appeal to supreme court actions and orders of commission; provide manner of making appeal of actions and orders of commission; provide for supersedeas bonds; allow the collection of denied rate increases by utilities prior to final disposition of cases; provide commission authority to supervise, regulate and control transportation companies and for the director to enforce; provide a criminal penalty for failure to file certain reports; provide a criminal penalty for failure to file required annual reports; provide a criminal penalty for falsifying entries; provide a criminal penalty for filing false returns or reports; provide a criminal penalty for filing false reports, returns, records, accountings, information or statements; provide a criminal penalty for obstructing any member of commission, its employees, agents or the director or any member, agent, employee of the office of director in discharge of duties; provide requirements that a utility of regulated business contracts for the purchase of fuel, goods, equipment, services and supplies through or on a competitive bid basis; provide a criminal penalty for any person demanding or accepting a rebate in respect to charges for services of a utility or regulated business; provide a criminal penalty for any utility or regulated business to grant a rebate; provide a criminal penalty for any utility or regulated business to violate a commission order; provide authority and limitations for utilities and regulated businesses to exercise power of eminent domain; provide customers of utilities privacy in regard to certain records and provide a criminal penalty for their unlawful disclosure; provide for unlisted telephone numbers; provide restrictions and requirements regarding customer pre-connection service deposits; provide customers with the right of continuation of services; provide residents of this state access to non-utility property of utilities; provide criminal penalties for unlawful monitoring of customer's conversations; provide for criminal penalties in regard to certain ex parte communications by and between commissioners, employees and parties to commission proceedings; provide criminal offenses in regard to records of the commission; provide criminal offenses for commissioners, the director or their employees or agents soliciting or accepting things of value in return for official action; provide criminal offenses for judges, masters, referees or their employees or agents soliciting or accepting things of value in return for official action; provide a statute of limitation for felonies defined and described in this act; provide consumers the right to participate in commission hearings and proceedings; provide that certain public officials may initiate or intervene in certain cases or proceedings before the commission on behalf of consumers; provide for commission meetings to be open to the public and further provide criminal offenses in relation thereto; provide for the admissibility of certain testimony in criminal proceedings relating to this act; provide that witnesses be required to testify before grand jury to matters affecting the commission; provide a criminal penalty for conspiring to violate the felony provisions of this act; provide a criminal penalty for conspiring to violate the misdemeanor provisions of this act; repeal sections 37-1-12.1, 37-1-12.2, 37-1-91, 37-3-35(d), 37-4-17, 37-4-18, 37-4-19, 37-4-20, 37-4-21, 37-4-87(b), 37-8-3, 37-8-4 of the Code of Alabama, 1975; provide the right for attorney general, director of utility consumer representation, the district

attorney of Montgomery county, any commissioner or consumer to intervene or initiate civil proceedings to compel compliance with this act; provide that the provisions of this act are severable; provide that the sections of this act are separable; repeal laws and parts of laws in conflict; provide an effective date for this act.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 8.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Campbell, Carter, Cates, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, McKee, McMillan, Minus, Mitchell, Naramore, Nevett, Olive, Owens, Parker, Pegues, Penry, Rains, Ray, Reed, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Tucker, Turner, Turnham, Venable, Ward, Warren, Whatley and Wyatt.

—78

Nays:

Reps. Cabaniss, Clark (G), Cosby, Manley, Payne, Roberts, Trammell and Williams.

—8

CO-SPONSORS ADDED

Reps. Gilmer and Holmes were added as co-sponsors to the bill, H. 647.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Harper (T), to suspend the rules in order to take up out of order the bill, H. 1095, was lost, lacking a four-fifths vote.

Yeas 6; Nays 4.

Yeas: Reps. Bedsole, Ford, Harper (T), McMillan, Sandusky and Stewart. —6

Nays: Reps. Buskey, Clark (W), Kennedy and Turner. —4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION IN WRITING

Rep. Gafford filed the following Motion in Writing:

WE, THE MAJORITY OF THE BANKING COMMITTEE, VOTING
YEA RESPECTFULLY REQUEST SUSPENSION OF RULE 46 OF THE

REGULAR SESSION
27th Day

2015

HOUSE OF REPRESENTATIVES TO ALLOW S. B. 288, BY MR. BAR-
RON, TO BE SIGNED OUT OF THE COMMITTEE BY A MAJORITY OF
THE MEMBERS OF SAID BANKING COMMITTEE.

VOTE RECORD
BANKING COMMITTEE

NAME	YEAS	NAYS
MR. GAFFORD, CHAIRMAN	<u> ✓ </u>	<u> </u>
MR. EDWARDS, V. CHM.	<u> ✓ </u>	<u> </u>
MR. CHARLES ADAMS	<u> </u>	<u> </u>
MR. BILL ADAMS	<u> </u>	<u> </u>
MR. ALBRIGHT	<u> ✓ </u>	<u> </u>
MR. CATES	<u> ✓ </u>	<u> </u>
MR. COBB	<u> </u>	<u> ✓ </u>
MR. FORD	<u> ✓ </u>	<u> </u>
MR. GRIMSLEY	<u> </u>	<u> </u>
MR. HARPER	<u> </u>	<u> </u>
MR. HINES	<u> </u>	<u> </u>
MR. LEWIS	<u> ✓ </u>	<u> </u>
MR. MINUS	<u> ✓ </u>	<u> </u>
MR. STOUT	<u> ✓ </u>	<u> </u>
MR. WILLIS	<u> ✓ </u>	<u> </u>

MOTION TO SUSPEND RULE LOST

The motion offered by Rep. Gafford to suspend House Rule 46, as requested in the Motion in Writing filed, was lost.

The Motion was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 259. COMMENDING OUR STATE EMPLOYEES FOR
THEIR CONTINUING DEDICATED SERVICE TO STATE GOVERN-
MENT.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 25. To authorize certain governmental agencies to donate things of value to any voluntary organized fire department or organized rescue squad.

Also:

H. 151. To amend Section 4-2-31, Code of Alabama 1975, which relates to the organization of the Aeronautics Commission so as to change the provision for monthly meetings to quarterly meetings.

Also:

H. 194. Relating to the eradication and control of swine diseases: to make an appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1982, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Also:

H. 237. To provide definitions and certain categories of standards, policy provisions, minimum anticipated loss ratio standards and consumer disclosure requirements relating to disability policies designed and sold as Medicare Supplement policies and to provide authority for the Commissioner of Insurance to promulgate regulations implementing these requirements consistent with the uniform standards promulgated by the National Association of Insurance Commissioners for the purpose of meeting the requirements of Public Law 96-265 (1980) to preserve to the State of Alabama the continued regulation of disability policies sold as Medicare Supplement coverage.

Also:

H. 239. To amend § 36-7-21, Code of Alabama 1975 to exempt certain examiners of the State Department of Insurance in examinations of insurers conducted outside of the State of Alabama.

Also:

H. 585. To provide that certain vehicles may not be operated on the beaches and sand dunes on the Gulf of Mexico along the southern boundary of the State of Alabama; prescribing penalties.

Also:

H. 174. To amend Section 16-9-11, Code of Alabama, 1975, to change the period of time a local board of education has in filling a vacancy in the office of county superintendent of education.

Also:

H. 409. To create and establish a state land resources information center within the Legislative Fiscal Office; to prescribe certain data and information to be compiled by such center and to provide for the administration of such center.

Also:

H. 54. To amend Section 31-2-60, Code of Alabama 1975, which provides for the organization of the military department; qualifications, appointment, rank, etc., of employees of the military department; applicability of merit system to department officers and employees so as to further provide for the number of assistant adjutants general for army that are authorized by National Guard Bureau rules and regulations.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

RULE SUSPENDED

On motion of Rep. Adams (H), Rule 4(4) was suspended to permit the bill, H. 408, being other than a local or general bill of local application, to be sent to the Senate.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Grimsley, Hall, Horn, Jackson, Johnson (R. G.), Johnson (Roy), Laird, Letson, Lewis, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Owens, Parker, Payne, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shavers, Smith (C), Starkey, Stewart, Turner, Turnham, Waggoner, Ward, Warren, Williams, Willis and Wyatt.

—66

And the bill:

H. 408. To amend Section 6-2-3 of the Code of Alabama 1975, so as to extend the time allowed a party for prosecuting actions seeking relief on the ground of fraud.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 1.

Yeas:

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Greer, Grimsley, Hall, Harper (O), Harper (T), Horn, Johnson (Roy), Kennedy, Laird, Langford, Letson, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Payne, Penry, Rains, Ray, Riddick, Roberts, Sasser, Shavers, Smith (C), Starkey, Stewart, Turnham, Waggoner, Ward, Warren, Williams, Willis and Wyatt.

—69

Nay: Rep. Albright.

—1

RULE SUSPENDED

On motion of Rep. Kelley, Rule 4(4) was suspended to permit the bill, H. 842, being other than a local or general bill of local application, to be sent to the Senate.

Yeas 63; Nays 9.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carter, Cates,

Cheatwood, Clark (W), Cobb, Coburn, Cooley, Crow, Daniels, Dixon, Dinkard, Edwards, Ford, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (T), Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Laird, McMillan, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Penry, Ray, Roberts, Sasser, Shavers, Smith (C), Starkey, Stout, Trammell, Turnham, Waggoner, Warren, Williams and Willis.

—63

Nays:

Reps. Clark (G), Dial, Gilmer, Harper (O), Holley, Howard, Letson, Rains and Seibels.

—9

And the bill:

H. 842. To amend Section 36-22-16 of the Code of Alabama, 1975, to provide for the compensation of the sheriffs of the several counties in this state.

Was taken up.

AMENDMENT OFFERED

Rep. Kelley offered the following amendment to the bill, H. 842:

On page 1, line 27, strike the figure "\$30,000.00" and insert in lieu thereof:

\$25,000.00

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 65; Nays 14.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Cambell, Carter, Cates, Cheatwood, Clark (G), Cobb, Cooley, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Holmes, Horn, Johnson (R. G.), Laird, Langford, McMillan, Manley, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Penry, Rains, Ray, Roberts, Sasser, Shavers, Smith (C), Stewart, Stout, Trammell, Tucker, Turnham, Venable, Waggoner, Ward, Warren, Williams and Willis

—65

Nays:

Reps. Albright, Barton, Coburn, Cosby, Gilmer, Goodwin, Greer, Hall, Holley, Johnson (Roy), Letson, Minus, Pegues and Seibels.

—14

And the bill, H. 842, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 7.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Goodwin, Greer, Grouby, Hall, Hammett, Harper (O), Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Letson, McMillan, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Penry, Rains, Ray, Riddick, Sasser, Shavers, Stewart, Stout, Trammell, Tucker, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis and Wyatt.

—72

Nays:

Reps. Clark (G), Cosby, Dial, Holley, Kennedy, McKee and Seibels.

—7

CO-SPONSOR ADDED

Rep. Holmes was added as co-sponsor to the bill, H. 842.

RULE SUSPENDED

On motion of Rep. Waggoner, Rule 4(4) was suspended to permit the bill, H. 361, being other than a local or general bill of local application, to be sent to the Senate.

Yeas 67; Nays 0.

Yeas:

Reps. Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Boles, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Goodwin, Greer, Grouby, Hall, Hammett, Harper (O), Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Letson, McMillan, Minus, Mitchell, Naramore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Smith (C), Starkey, Stewart, Turnham, Venable, Waggoner, Warren and Williams.

—67

And the bill:

H. 361. To amend Sections 41-9-720 and 41-9-721 of the Code of Alabama 1975 which provide for the Alabama Aviation Hall of Fame Board so as to provide further for the location of such hall of fame and meeting procedures of such board and to further designate the terms of certain board members.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 1.

Yeas:

Reps. Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Blake, Boles, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W),

Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Escott, Ford, Grimsley, Grouby, Hammett, Harper (O), Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Langford, Letson, McMillan, Manley, Minus, Mitchell, Narmaore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Smith (C), Starkey, Tucker, Turnham, Venable, Waggoner, Ward, Warren, Williams and Willis.

—66

Nay: Rep. Gilmer.

—1

RULE SUSPENDED

On motion of Rep. Penry, Rule 4(4) was suspended to permit the bill, H. 447, being other than a local or general bill of local application, to be sent to the Senate.

Yeas 63; Nays 0.

Yeas:

Reps. Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Boles, Bowling, Brakefield, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Crow, Daniels, Dixon, Edwards, Ford, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Langford, Letson, McMillan, Manley, Minus, Naramore, Nevett, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Venable, Ward, Warren, Williams, Willis and Wyatt.

—63

And the bill:

H. 447. To require every railroad conductor and engineer who operates a train in this state to carry on his person a qualification permit while on duty in train service.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Reps. Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Holley, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Langford, Letson, McMillan, Manley, Minus, Naramore, Nevett, Olive, Owens, Parker, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Venable, Ward, Warren, Williams, Willis and Wyatt.

—67

RULES SUSPENDED

On motion of Rep. Payne, Rule 4(4) was suspended to permit the bill, H. 387, being other than a local or general bill of local application, to be sent to the Senate.

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Yeas 61; Nays 4.

Yeas:

Reps. Adams (C), Adams (H), Albright, Amari, Bedsole, Blake, Brakefield, Cabaniss, Carter, Cheatwood, Clark (G), Clark (W), Coburn, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gilmer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Howard, Johnson (R. G.), Lewis, McMillan, Manley, Minus, Naramore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Venable, Waggoner, Ward, Warren, Whatley and Willis.

—61

Nays: Reps. Dial, Holley, Johnson (Roy) and Wyatt.

—4

And the bill:

H. 387. To prohibit hazing in state-supported institutions; to define the term hazing, to set criminal penalties for violating this act and to deny state funding in certain instances.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 1.

Yeas:

Reps. Adams (C), Albright, Amari, Bedsole, Boles, Brakefield, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Howard, Johnson (R. G.), Lewis, McKee, McMillan, Manley, Minus, Naramore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (M), Stewart, Venable, Ward, Warren, Williams and Willis.

—57

Nay: Rep. Holley.

—1

RULE SUSPENDED

On motion of Rep. Gafford, Rule 4(4) was suspended to permit the bill, H. 1022, being other than a local or general bill of local application, to be sent to the Senate.

Yeas 60; Nays 1.

Yeas:

Reps. Adams (H), Albright, Barton, Bedsole, Bennett, Boles, Brakefield, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Cosby, Crow, Daniels, Dixon, Edwards, Escott, Gafford, Gregg, Grimsley, Hall, Hammett, Harper (O), Harvey, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Reed, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Trammell, Waggoner, Warren, Williams, Willis and Wyatt.

—60

Nay: Rep. Riddick.

—1

And the bill:

H. 1022. To provide that state employees' existing benefits and certain future benefits shall not be affected by any employees' reclassification plan.

Was taken up.

AMENDMENT OFFERED

Rep. Gafford offered the following amendment to the bill, H. 1022:

Amend House Bill 1022, Page 1, Line 31, by striking the period after the word "plan" and inserting the following:

including opportunities for promotions to higher classifications, as said classifications were constituted prior to any reclassification plan.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 68; Nays 0.

Yeas:

Reps. Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Boles, Bowling, Brakefield, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Cobb, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Grimsley, Grouby, Hall, Hammett, Harper, (O), Harvey, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Trammell, Venable, Waggoner, Warren, Williams, Willis and Wyatt.

—68

AMENDMENT OFFERED

Rep. Venable offered the following amendment No. 1 to the bill, H. 1022 as amended:

Amend H. B. 1022, page 1, Section 1, line 31 after the word "plan," by striking the following:

The terms "benefits" and emoluments" as used in this act shall not include sick or annual leave.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 80; Nays 0.

Yeas:

Reps. Adams (C), Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Crow, Daniels, Dixon, Drinkard,

Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Lewis, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Parker, Patton, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Trammell, Tucker, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—80

AMENDMENT OFFERED

Rep. Venable offered the following amendment No. 2 to the bill, H. 1022 as amended:

Amend H. B. 1022, page 1, line 33 after the word "leave," by adding the following new Section 2 and renumbering subsequent sections accordingly:

Section 2. Any new pay and classification plan resulting from the 1980-81 Pay and Classification Study shall not be implemented until October 1, 1982.

MOTION TO TABLE LOST

The motion offered by Rep. Gafford to table the amendment No. 2 offered by Rep. Venable to the Bill, H. 1022 as amended, was lost.

Yeas 10; Nays 45.

Yeas:

Reps. Amari, Biddle, Cabaniss, Gafford, Letson, Olive, Ray, Sandusky, Sasser and Waggoner.

—10

Nays:

Reps. Albright, Barton, Blake, Boles, Bowling, Brakefield, Carothers, Carter, Cates, Cheatwood, Cobb, Crow, Daniels, Dixon, Edwards, Escott, Ford, Gilmer, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Holmes, Howard, Johnson (Roy), Langford, Lewis, McKee, McMillan, Naramore, Nevett, Penry, Riddick, Seibels, Smith (M), Turnham, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—45

AMENDMENT ADOPTED

The question was then on the adoption of the amendment No 2 offered by Rep. Venable to the bill, H. 1022 as amended, and the amendment was adopted.

Yeas 75; Nays 1.

Yeas:

Reps. Adams (H), Albright, Barton, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gilmer, Goodwin, Greer, Grouby, Hall, Hammett, Harper (O), Harper (T),

Harvey, Holley, Holmes, Howard, Johnson (Roy), Langford, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Ray, Reed, Riddick, Sandusky, Sasser, Seibels, Shavers, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Tucker, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—75

Nay: Rep. Gafford.

—1

MOTION TO TEMPORARILY POSTPONE LOST

The motion offered by Rep. Gafford to temporarily postpone the bill, H. 1022 as amended, was lost.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Gafford to indefinitely postpone the bill, H. 1022 as amended, was lost.

Yeas 4; Nays 63.

Yeas: Reps. Cabaniss, Cosby, Letson and Sasser.

—4

Nays:

Reps. Adams (H), Albright, Amari, Barton, Blake, Boles, Brakefield, Buskey, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Crow, Daniels, Dixon, Drinkard, Escott, Ford, Gilmer, Greer, Gregg, Grouby, Hall, Harper (O), Holley, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Laird, Langford, Lewis, McKee, Manley, Minus, Naramore, Nevett, Olive, Patton, Penry, Rains, Ray, Riddick, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Tucker, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—63

And the bill, H. 1022, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Reps. Adams (C), Adams (H), Amari, Barton, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Howard, Jackson, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, McKee, Manley, Minus, Moore, Naramore, Nevett, Owens, Patton, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Tucker, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis Wyatt.

—80

MOTION TO ADJOURN LOST

The motion offered by Rep. Greer that the House adjourn until 12:00 o'clock noon, Wednesday, May 6, 1981, was lost.

Yeas 40; Nays 51.

Yeas:

Reps. Albright, Barton, Blake, Boles, Brakefield, Buskey, Campbell, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Dial, Escott, Goodwin, Greer, Hall, Hammett, Harper (O), Holley, Horn, Jackson, Johnson (Roy), Manley, Minus, Naramore, Nevett, Olive, Parker, Patton, Reed, Roberts, Shavers, Smith (M), Starkey, Stout, Trammell, Tucker and Wyatt.

—40

Nays:

Mr. Speaker, Adams (C), Adams (H), Amari, Bedsole, Bennett, Biddle, Bowling, Cabaniss, Carothers, Carter, Cates, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Gregg, Grimsley, Grouby, Harper (T), Holmes, Johnson (R. G.), Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Moore, Owens, Pegues, Penry, Ray, Riddick, Sandusky, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley and Willis,

—51

SPECIAL ORDER RESUMED

H. 387 RECONSIDERED

Having voted on the prevailing side, Rep. Payne offered the motion to reconsider the vote by which the bill, H. 387, was previously passed, and the motion to reconsider was adopted.

Yeas 50; Nays 2.

Yeas:

Reps. Adams (H), Albright, Amari, Bedsole, Biddle, Blake, Boles, Brakefield, Cabaniss, Carothers, Cates, Cheatwood, Cobb, Coburn, Cooley, Crow, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Holmes, Johnson (R. G.), McMillan, Moore, Naramore, Nevett, Olive, Owens, Parker, Payne, Pegues, Rains, Reed, Riddick, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Trammell, Venable, Waggoner, Ward, Whatley, Williams and Willis.

—50

Nays: Reps. Holley and Wyatt.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 387, was again taken up.

SUBSTITUTE OFFERED

Rep. Payne offered the following substitute to the bill, H. 387:

A BILL
TO BE ENTITLED
AN ACT

To prohibit hazing of any student of any school, college, university, or other educational institution in this state; to define the term hazing, to set criminal penalties for violating this act, and to deny state funding in certain instances.

Be It Enacted by the Legislature of Alabama:

Section 1. No person shall engage in what is commonly known and recognized as hazing, or encourage, aid, or assist any other person thus offending.

Section 2. "Hazing" is defined as follows:

(A) Any willful action taken or situation created, whether on or off any school, college, university, or other educational premises, which recklessly or intentionally endangers the mental or physical health of any student, or

(B) Any willful act on or off any school, college, university, or other educational premises by any person alone or acting with others in striking, beating, bruising, or maiming; or seriously offering, threatening, or attempting to strike, beat, bruise, or maim, or to do or seriously offer, threaten, or attempt to do physical violence to any student of any such educational institution or any assault upon any such students made for the purpose of committing any of the acts, or producing any of the results to such student as defined in this section.

(C) The term "hazing" as defined in this section does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization. The term "hazing" does not include corporal punishment administered by officials or employees of public schools when in accordance with policies adopted by local boards of education.

Section 3. No person shall knowingly permit, encourage, aid, or assist any person in committing the offense of hazing, or willfully acquiesce in the commission of such offense, or fail to report promptly his knowledge or any reasonable information within his knowledge of the presence and practice of hazing in this state to the chief executive officer of the appropriate school, college, university, or other educational institution in this state. Any act of omission or commission shall be deemed "hazing" under the provisions of this section.

Section 4. Any person who shall commit the offense of hazing shall be guilty of a Class C misdemeanor as defined by Title 13A, Code of Alabama 1975.

Section 5. Any person who participates in the hazing of another, or any organization associated with a school, college, university, or other educational institution in this state which knowingly permits hazing to be conducted by its members or by others subject to its direction or control, shall forfeit any entitlement to public funds, scholarships, or awards which are enjoyed by him or by it and shall be deprived of any sanction or approval granted by the school, college, university, or other educational institution.

Section 6. Nothing in this act shall be construed as in any manner affecting or repealing any law of this state respecting homicide, or murder, manslaughter, assault with intent to murder, or aggravated assault.

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27th Day

2027

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect any part which remains.

Section 8. All laws or parts of laws which conflict with this act are hereby repealed.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 57; Nays 1.

Yeas:

Reps. Adams (C), Albright, Amari, Bedsole, Biddle, Blake, Buskey, Cabaniss, Cates, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Drinkard, Edwards, Gafford, Gilmer, Grouby, Hall, Harvey, Holmes, Howard, Johnson (R. G.), Letson, Lewis, McKee, McMillan, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Sasser, Seibels, Shavers, Shoemaker Smith (C), Smith (M), Trammell, Venable, Waggoner, Ward, Warren, Whatley and Willis.

—57

Nay: Rep. Holley.

—1

And the bill:

H. 387. To prohibit hazing of any student of any school, college, university, or other educational institution in this state; to define the term hazing, to set criminal penalties for violating this act, and to deny state funding in certain instances.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 1.

Yeas:

Reps. Adams (C), Albright, Biddle, Brakefield, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (T), Harvey, Holmes, Howard, Letson, Lewis, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Sasser, Seibels, Shavers, Smith (C), Smith (M), Stewart, Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley and Willis.

—61

Nay: Rep. Holley.

—1

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Waggoner to suspend the rules in order to take up out of order the bill, H. 1024, was lost, lacking a four-fifths vote.

Yeas 20; Nays 9.

Yeas:

Reps. Amari, Bedsole, Bennett, Biddle, Brakefield, Cabaniss, Cates, Cobb, Cosby, Gafford, Holmes, Horn, Lewis, Moore, Olive, Pegues, Seibels, Shavers, Venable and Waggoner.

—20

Nays:

Reps. Boles, Cheatwood, Escott, Horn, Jackson, Nevett, Payne, Trammell and Tucker.

—9

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RULE SUSPENDED

On motion of Rep. Bowling, Rule 4(4) was suspended to permit the bill, H. 725, being other than a local or general bill of local application, to be sent to the Senate.

And the bill:

H. 725. To require the Alabama Alcoholic Beverage Control Board to continue purchasing a quantity of its inventory in the form of alcoholic beverages in miniature containers for distribution to retailers; to restrict liquor licensees to certain purchases of alcoholic beverages; to prescribe the manner such beverages shall be served to the consumer; and to prescribe penalties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 18.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Cates, Cheatwood, Cobb, Coburn, Cooley, Cosby, Crow, Drinkard, Ford, Gafford, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Harper (T), Jackson, Kelley, Laird, Letson, McMillan, Mitchell, Moore, Naramore, Nevett, Penry, Riddick, Roberts, Sandusky, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Trammell, Venable, Ward, Warren and Whatley.

—54

Nays:

Reps. Bedsole, Bennett, Carter, Clark (W), Dial, Dixon, Gilmer, Hammett, Holley, Johnson (R. G.), Lewis, Minus, Olive, Payne, Rains, Ray, Seibels and Smith (C).

—18

RULE SUSPENDED

On motion of Rep. Letson, Rule 4(4) was suspended to permit the bill, H 63, being other than a local or general bill of local application, to be sent to the Senate.

Yeas 72; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Holley, Howard, Johnson (R. G.), Kelley, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Pegues, Penry, Rains, Ray, Riddick, Roberts, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams and Willis.

—72

Nays: Reps. Harper (T), and Laird.

—2

And the bill:

H. 63. To amend Section 2-22-9, Code of Alabama 1975, relating to the collection of inspection fees for commercial fertilizer; to allow the State Board of Agriculture and Industries to set the inspection fee at an amount no greater than \$.50 per ton.

Was taken up.

AMENDMENT OFFERED

Rep. Letson offered the following amendment to the bill, H. 63:

Amend House Bill No. 63 by inserting the following words after the last word appearing on line 17 of page 2 of the bill:

"Inspection fees collected over and above the fees in effect prior to the effective date of this act shall be limited to expenditures incurred in sampling, analyzing, and other expenses incurred by the Department in administering the Alabama Fertilizer Law."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 76; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (T), Holley, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Lewis, McMillan, Minus, Moore, Naramore, Nevett, Olive, Owens, Payne, Pegues, Penry, Rains, Ray,

Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—76

Nay: Rep. Laird.

—1

And the bill, H. 63, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bedsole, Bennett, Biddle, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Holley, Howard, Johnson (R. G.), Kelley, Kennedy, Langford, Letson, Lewis, McMillan, Minus, Moore, Naramore, Nevett, Olive, Owens, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—72

Nay: Rep. Laird.

—1

RULE SUSPENDED

On motion of Rep. Letson, Rule 4(4) was suspended to permit the bill, H 65, being other than a local or general bill of local application, to be sent to the Senate.

Yeas 67; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Edwards, Ford, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (T), Holley, Horn, Jackson, Johnson (R. G.), Kennedy, Lewis, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Willis and Wyatt.

—67

Nay: Rep. Howard.

—1

And the bill:

H. 65. To amend Section 8-15-3, Code of Alabama 1975, relating to the filing fee for public warehouses; to amend Section 8-15-18, Code of Alabama 1975, relating to the requirement for fire and hazard insurance for all goods stored in public warehouses.

Was taken up.

AMENDMENT OFFERED

Rep. Letson offered the following amendment to the bill, H. 65:

Amend House Bill No. 65 by deleting the last four words on Line 9 of page 3 and the first word on Line 10 of page 3, which words to be deleted are "or any articles of value".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 69; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bedsole, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Greer, Grimsley, Grouby, Hall, Hammett, Harper (T), Holley, Horn, Johnson (R. G.), Kelley, Laird, Lewis, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Starkey, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—69

Nay: Rep. Gilmer.

—1

And the bill, H. 65, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bedsole, Bennett, Biddle, Blake, Brakefield, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Greer, Grimsley, Grouby, Hall, Hammett, Holley, Horn, Johnson (R. G.), Laird, Langford, Letson, Lewis, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Penry, Ray, Reed, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Starkey, Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley, Willis and Wyatt.

—64

Nay: Rep. Howard.

—1

MOTION TO ADJOURN LOST

The motion offered by Rep. Minus that the House adjourn until 12:00 o'clock noon, Wednesday, May 6, 1981, was lost.

Yeas 40; Nays 43.

Yeas:

Reps. Albright, Blake, Boles, Brakefield, Buskey, Campbell, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Crow, Escott, Gilmer, Goodwin, Greer, Gregg, Hall, Hammett, Harper (O), Harvey, Horn, Howard,

Johnson (Roy), Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Parker, Rains, Reed, Sasser, Starkey, Trammell, Tucker and Williams.

—40

Nays:

Mr. Speaker, Adams (C), Adams (H), Amari, Bedsole, Bennett, Biddle, Cabaniss, Carter, Cates, Daniels, Dial, Edwards, Gafford, Grimsley, Grouby, Harper (T), Holley, Holmes, Jackson, Johnson (R. G.), Laird, Langford, Letson, Lewis, McKee, McMillan, Owens, Payne, Penry, Ray, Riddick, Roberts, Sandusky, Seibels, Shoemaker, Smith (C), Stewart, Turner, Waggoner, Warren, Whatley and Willis.

—43

SPECIAL ORDER RESUMED

MOTION TO SUSPEND RULE LOST

The motion offered by Rep. Amari to suspend Rule 4(4) in order to send the bill, H. 160, to the Seante, was lost.

MOTION TO SUSPEND RULE LOST

The motion offered by Rep. Bennett to suspend Rule 4(4) in order to send the bill, H. 161, to the Senate was lost, lacking a four-fifths vote.

Yeas 44; Nays 16.

Yeas:

Reps. Adams (C), Adams (H), Amari, Bedsole, Bennett, Bowling, Brakefield, Cabaniss, Carter, Cates, Cheatwood, Clark (W), Cobb, Cooley, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Harper (T), Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Letson, Lewis, McKee, McMillan, Naramore, Nevett, Owens, Pegues, Penry, Rains, Smith (C), Smith (J), Turner, Waggoner, Willis and Wyatt.

—44

Nays:

Reps. Albright, Blake, Coburn, Cosby, Gilmer, Goodwin, Greer, Hall, Holley, Minus, Mitchell, Moore, Olive, Roberts, Starkey and Trammell.

—16

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolution, to-wit:

H. 25. To authorize certain governmental agencies to donate things of value to any voluntary organized fire department or organized rescue squad.

Also:

H. 54. To amend Section 31-2-60, Code of Alabama 1975, which provides for the organization of the military department; qualifications, appointment, rank, etc., of employees of the military department; applicability of merit system to department officers and employees so as to further provide for the number of assistant adjutants general for army that are authorized by National Guard Bureau rules and regulations.

Also:

H. 151. To amend Section 4-2-31, Code of Alabama 1975, which relates to the organization of the Aeronautics Commission, so as to change the provision for monthly meetings to quarterly meetings.

Also:

H. 174. To amend Section 16-9-11, Code of Alabama, 1975, to change the period of time a local board of education has in filling a vacancy in the office of county superintendent of education.

Also:

H. 194. Relating to the eradication and control of swine diseases: to make an appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1982, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Also:

H. 237. To provide definitions and certain categories of standards, policy provisions, minimum anticipated loss ratio standards and consumer disclosure requirements relating to disability policies designed and sold as Medicare Supplement policies and to provide authority for the Commissioner of Insurance to promulgate regulations implementing these requirements consistent with the uniform standards promulgated by the National Association of Insurance Commissioners for the purpose of meeting the requirements of Public Law 96-265 (1980) to preserve to the State of Alabama the continued regulation of disability policies sold as Medicare Supplement coverage.

Also:

H. 239. To amend § 36-7-21, Code of Alabama 1975 to exempt certain examiners of the State Department of Insurance in examinations of insurers conducted outside of the State of Alabama.

Also:

H. 409. To create and establish a state land resources information center within the Legislative Fiscal Office; to prescribe certain data and information to be compiled by such center and to provide for the administration of such center.

Also:

H. 585. To provide that certain vehicles may not be operated on the beaches and sand dunes on the Gulf of Mexico along the southern boundary of the State of Alabama; prescribing penalties.

Also:

H. J. R. 259. COMMENDING OUR STATE EMPLOYEES FOR THEIR CONTINUING DEDICATED SERVICE TO STATE GOVERNMENT.

And find same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and House Joint Resolution, the titles of which are set out in the above and foregoing Report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED MOTION TO SUSPEND RULE LOST

The motion offered by Rep. Dixon to suspend Rule 4(4) in order to send the bill, H. 747, to the Senate, was lost.

Yeas 28; Nays 37.

Yeas:

Reps. Adams (H), Amari, Bedsole, Bennett, Biddle, Bowling, Buskey, Carter, Cates, Clark (W), Cosby, Dixon, Edwards, Gafford, Gilmer, Gregg, Harper (T), Holmes, Langford, McKee, Minus, Owens, Pegues, Reed, Smith (J), Turner, Waggoner and Willis.

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Nays:

Reps. Adams (C), Albright, Blake, Brakefield, Clark (G), Cobb, Coburn, Cooley, Dial, Escott, Goodwin, Greer, Grouby, Hall, Holley, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Laird, Manley, Naramore, Nevett, Olive, Patton, Rains, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Tucker, Turnham, Ward, Warren, and Whatley.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Weeks:

S. 494. To amend Section 27-15-28 and Section 27-36-7, Code of Alabama, 1975, as amended, which relate to the standard nonforfeiture law and the standard valuation law of life insurance and annuity contracts so as to provide a system for automatic annual updating of the statutory valuation and nonforfeiture interest rate standards applicable to new business, to provide new mortality tables for ordinary life insurance and to authorize the

Commissioner of Insurance to promulgate more modern life insurance annuity and disability tables; to change the excess initial expense where used to determine minimum nonforfeiture values for life insurance; to provide technical changes to simplify compliance with the laws and to handle new products; and to authorize the Insurance Commissioner to promulgate valuation and nonforfeiture regulations to accommodate life insurance plans providing for future premium determination and plans for which minimum reserves or nonforfeiture values cannot be expressly determined.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 494. Insurance.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Goodwin:

S. 38. To amend Section 12-17-20, Code of Alabama 1975, which provides for the number of judges in each judicial circuit, so as to delete the language that one of the judges in the fourth circuit be the presiding judge.

Also:

By Messrs. Harrison, Robertson and Britnell:

S. 238. To require the granting, under certain circumstances, of either overtime pay or compensatory leave to certain local law enforcement officers.

Also:

By Mr. Goodwin:

S. 247. To exempt from the requirements of the Alabama Child Labor Act, Chapter 8, Title 25, Code of Alabama 1975, as amended, time and hour restrictions for children under 16 and the requirement for securing employment and age certificates by persons under 17 who are employed as actors or performers and to set forth protective employment conditions for such children under the age of 16.

Also:

By Messrs. Little, Proctor, Hall, Robertson and Cook:

S. 505. To exempt the American Lung Association of Alabama, the American Lung Association of Southwest Alabama and the Jefferson-Shelby Lung Association from all state, county and municipal sales and use taxes.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 38. Judiciary.
- S. 238. Local Government.
- S. 247. State Administration.
- S. 505. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. St. John (With Notice and Proof):

S. 596. Relating to taxation in Cullman County; levying an additional sales tax parralling the state sales tax provided for in Sections 40-23-1 through 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and repealing a sales tax heretofore levied and collected by the City of Cullman.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 596 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Smith (With Notice and Proof):

S. 603. To amend Section 1 of Act No. 738, H. 1596, of the 1971 Regular Session of the Legislature of Alabama relating to cities having a population of not less than 135,000 nor more than 185,000 according to the last or any subsequent federal decennial census, so as to provide that terms of the members of the Council, Places No. 3, 4, and 5 elected in the General Municipal Election in the year 1982 shall expire on the first Monday in October in the year 1984, and that said members be elected every four years thereafter for terms of four years commencing on the first Monday in October next, after their election; to amend Act No. 738, H. 1596 of the 1971 Regular Session of the Legislature of Alabama, so as to provide that the provisions of said Act are optional, and so as to provide that subsequent to January 1, 1981, no city otherwise covered by the Act shall come under the terms thereof except under the terms of an ordinance duly adopted by its governing body at least six months prior to any General Municipal Election, and providing for the transition from its present organization to that required under this Act; and to provide an effective date of this Act.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 603 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Messrs. Little and Higginbotham (With Notice and Proof):

S. 634. Relating to Chambers County; providing for the compensation of the deputy district attorney; providing for an effective date; and repealing Act No. 129, S. 54, Special Session 1961 (Acts 1961, p. 2053), as amended.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 634 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Teague (With Notice and Proof):

S. 657. Relating to St. Clair County; providing further for court costs for all criminal and civil cases filed in circuit or district court; providing that the proceeds of such costs be used for the construction, maintenance and operation of the county jails; and providing for a referendum election as a prerequisite to the effectiveness of this Act.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 657 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Britnell (With Notice and Proof):

S. 665. Relating to Franklin County; to provide an additional expense allowance for the members and Chairman of the county commission.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 665 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Britnell (With Notice and Proof):

S. 666. To authorize the Franklin County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 666 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 596. Local Legislation No. 1.
- S. 603. Local Legislation No. 4.
- S. 634. Local Legislation No. 1.
- S. 657. Local Legislation No. 1.
- S. 665. Local Legislation No. 1.
- S. 666. Local Legislation No. 1.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:45 P.M. on May 5, 1981.

H. J. R. 315

H. J. R. 323

H. J. R. 324

H. J. R. 325

H. J. R. 326

H. J. R. 332

H. J. R. 333

H. J. R. 334

Delivered to the Governor at 4:50 P.M. on May 5, 1981.

H. 489

H. 668

REGULAR SESSION
27th Day

2039

H. 909

H. J. R. 337

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Hammett and pursuant to the resolution, H. R. 336, heretofore adopted, the House adjourned until 12:00 o'clock noon, Wednesday, May 6, 1981.

Yeas 52; Nays 39.

Yeas:

Reps. Albright, Barton, Blake, Boles, Bowling, Brakefield, Campbell, Carothers, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Dial, Escott, Ford, Gilmer, Goodwin, Greer, Gregg, Hall, Hammett, Harper (O), Harvey, Holley, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Parker, Patton, Rains, Reed, Sasser, Seibels, Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turnham, Warren and Williams.

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Nays:

Reps. Adams (C), Adams (H), Amari, Bedsole, Bennett, Buskey, Cabaniss, Carter, Cates, Daniels, Dixon, Edwards, Gafford, Grimsley, Grouby, Harper (T), Holmes, Johnson (R. G.), Kelley, Laird, Langford, Lewis, McKee, McMillan, Owens, Payne, Pegues, Penry, Riddick, Roberts, Sandusky, Smith (C), Smith (J), Turner, Venable, Waggoner, Whatley, Willis and Wyatt.

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